PRESERVED

App F. IX-4

Previous References. 1941-42 (Legis)

File No. 34 741

Serial Nos. 1

Later References. A Collection

(112)

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for

SUBJECT

Act to Amend the Code of Civil Procedure (Amendment) Act 1938 (Act III of 1942)

The Complete Report of Gazette No RL 1313 Legis 34 of 41 81 dated 27.1.1922.

Promulgate into law the Code of Civil Procedure Amendment Act of 1938 as Act No III of 1942

12/3/42

REPLY

(To be written on this margin.)

OFFICE OF THE
~~SECOND~~ MEMBER OF COUNCIL
Minister for Law

NOTE

Dated 16-6-1941.

12887
16/6

Law Secy

Please put up file with all previous papers & a note

Hm
16-6-41

A short note is put up.

Minister
Law.)

Hm 2
17/6/41.

Hm 2
16/6/41

Please see the reports from the Chief Supt of Prisons dt 6/7 & 7/7 respectively & the Copies of Judgments of Municipal Magistrate Kalutara & the High Court (Hon Justice Abdul Cader) Sec 3 of the Act of 1938 has the effect of specifically repealed

I learn from Mr W. M. Crocker, Secy Bar Council & John Dayaratne Bar Council on the 'phone that they have appealed against the High Court on 2 other attachments & that the applications are pending

and stay order Lewisham council
in respect of them. I have asked him
to send me copies of the application
filed in the High Court this morning.
Meanwhile, kindly Counsel's advice
papers & prepare a petition order showing
the ~~not for~~ action necessary, and
a draft bill with statement of objects
& reasons etc

8-7-41

2
8/7/41.

Serial No.

In 1938, section 60 of the Code of Civil Procedure was amended by Act XIII of 1938, Under it, salary up to and inclusive of Rs.50/- and also one half of the remainder of such salary was declared to be exempt from attachment. By section 3 of that Act, it was provided that this amendment should have effect only in respect of proceedings arising out of suits instituted after 1st July 1938.

In the working of this Act, certain doubtful points came up for consideration. Among them was the question whether skilled workmen would also get the benefit and whether wages payable otherwise than by the month would be covered by the amendment of 1938. In order to remove all these doubts an Act was passed in 1940, namely IV of 1940. In the Bill which precede this Act, a clause was present that the amendments wer to apply only in respect of proceedings arising out of suits instituted prior to 1st July 1939. In the Select Committee, this clause was omitted for the reason set out in their report, "so that when the Act comes into force it may apply to all proceedings irrespective of th date of the filing of the suit".

But since the material alterations made by this Act were only in respect of those provisions of the Code which had already been amended by the Act of 1938, section 3 of the latter Act prevented any relief from being given to parties in proceedings arising out of suits instituted before 1st July 1938.

If relief has to be given in all cases, section 3 of the 1938 Act has to be deleted. A draft Bill is pu

NOTE—Contn. Sheet.

29/RL

7437.

Code of Civil Procedure – section 60

File No. of 194 | General and Revenue Secretariat

Serial No.

up for this purpose. If approved the above note will be adopted as the statement of general principles.

Minister for Law.)

Hm 2 9/7/41

Further urgt received from K & N today about 2 Civil Appeals pending in the High Court is placed in the file

The Chief Dispr of Lunacies has sent a report of the incidents on 10/7 & 11/7 (pay days)

Please study in the light of these & revise note, if necessary. Please put up a comprehensive D.F.N. (in case emergency legislation is permissible when appeals are pending in High Court) 12/7/41

OFFICE OF THE MINISTER FOR LAW
JUL 9 1941
No. 335

Planned to the Hy. High Court. The records in S.A. 524 & 85 of 40-41 are printed. It may take 2 or 3 yrs before they are disposed of. The hearing is likely to be advanced on the applications of the parties.

Hm 2 15/7/41

Hm 2 15/7/41

That some appeals are pending before the High Court does not seem to be a bar to enact an emergency legislation. In fact such legislation is intended to prevent continuance of hardship that is at present being experienced by the judgment debtors.

A comprehensive D.F.N. is also submitted.

OFFICE OF THE MINISTER FOR LAW
JUL 17 1941
No. 570

MINISTER FOR LAW.)

Hm 2 16/7/41

17/7

A revised D.F.N. is submitted

Minister for law.)

Hm 2 23/7/41

Please retype pages 4 & 7 & resubmit

23/7

Hm 2 25/7/41

29/12

The Code of Civil Procedure (amendment) Bill re 860.

General and Revenue Secretariat. | File No. | of 193 . | [App. F. III—2

Serial No.

A clean copy of the draft as revised is put up

For 26/7

Secy (Rate)) JMW 26/7

Law Secy)

Minister for Law) Hm 28/7/41

I have summarised the position in a draft Tamil Note for the sake of clearness.

~~The bill etc~~

Dewan) Bn 28.7.41

Magn sent for circulation C DMC 29/7/41

Bn 30-7-41

For circulation.

Chief Secy MC.) Hm 30/7/41.

OFFICE OF THE MINISTER FOR LAW
JUL 28 1941
No 891

Submitted with a circulation memo

Bn 31/7/41

Signed MK 31.7.41

NOTE—Contn. Sheet

For Disposal by Circulation. No. C. 93

1941-42

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

Promulgation of the Code of Civil Procedure (Amendment) Bill.

Circulated to the Council of Ministers.

By Order,

31st July 1941. *Chief Secretary to Government.*

Minister for Finance and Revenue. (on deputation)

Minister for Law. (Seen)

1080/1-8-41 **Minister for Education.** 1.8.41

896/1-8-41 **Minister for Local Self-Government and Public Health.** 3.8.41

Law Secy. with Compliments.

4.8.41

5/8/41

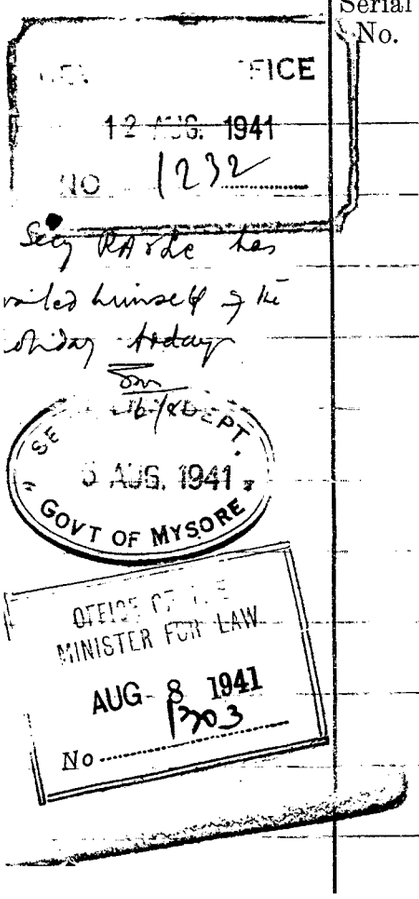
The Code of Civil Procedure (amendment) Bill.

eneral and Revenue Secretariat
R. A. & L. C.

File No. 29/N of 194 .

[App. F. III-2

Serial No.



Secy R.A. & L. C. has called himself at his office today

Sms 16/8/41

The D. F. N. in this file has been approved.

Sms 6/8

Law Secy)

Minister for Law.)

Hm 2 6/8/41

F. N. signed by Minister.

9-8-41

Sms 6/8/41

S. N. submitted

Dewan)

Hm 2 11/8/41

NOTE—Contn. Sheet.

WD 01925—GPB—1,000—4-3-41

Final Note by the Minister for Law.

Subject.-

Promulgation of the Code of Civil Procedure (amendment) Bill.

Prior to 1938, section 60 of the Code of Civil Procedure provided that the salary of Rs.20 or less should be wholly exempt from attachment and sale in the execution of decrees and where the salary is Rs.40, Rs.20 should be exempt and in other case a moiety of the salary. One of the recommendations of the Royal Commission on Labour in India was that wages and salaries of workmen receiving less than Rs.300 per month should be entirely exempt from attachment. The Government of India, in consultation with local Governments, decided to fix the amount at Rs.100 and took action to amend the Code of Civil Procedure in this respect.

The Committee appointed by Government to examine the question of indebtedness of officials in Mysore, also recommended that in respect of attachment of salaries by Civil Courts, the exemption limit ought to be raised from Rs.20 to Rs.50. A bill modelled on the lines of the British Indian Code of Civil Procedure (amendment) Act of 1937, was accordingly brought forward in 1937 and became law in 1938 (Act XIII of 1938). Under this Act, salaries up to and inclusive of Rs.50 and one-half of the remainder where the salary exceeds Rs.50 is exempt from attachment. It was expected that this amendment would relieve indebtedness to a considerable extent and remove hardships that were being experienced by labourers and other workmen getting small salaries.

By section 3 of this Act, it was provided that the amendments made therein should have effect only in respect of proceedings arising out of suits instituted after 1st July 1938. In the actual working of section 60 as amended, it was, however, found that there were certain difficulties in the interpretation and the working of it. The Mines authorities in the Kolar Gold Field represented to Government that the labourers felt that the spirit of the amendment was not being given effect to and that the Courts continued to attach their salaries which had been exempted under the amending Act.

In the first place, the expression "labourer" was itself not clear and certain doubts had arisen whether the term included skilled workmen also. The word "salary" also was not free from doubt and the question arose whether it included remuneration fixed on other than a monthly basis.

With a view to clearer elucidation of the points mentioned abov and in order to allay the unrest of labour in the mining area, another bill was brought forward in 1939. This bill was intended to remove all ambiguities in the Act of 1938. Clause 3 of this bill provided that the amendments sought to be made by it should not have effect in respect of proceedings arising out of any suit instituted before 1st July 1939. The bill was referred to a select committee by the Legislative Council and was considered in great detail. In the report of the Select Committee, a recommendation was made to the effect that Clause 3 should be deleted. The reason for deletion was stated as follows:-

> "We recommend that clause (3) of the Bill which restricts the application of this amending Act to proceedings arising out of suits instituted after the 1st of July 1939 may be omitted so that the Act when it comes into force may apply to all proceedings irrespective of the date of the filing of the suit".

In moving before the Legislative Council on 22nd January 1940 that the report of the Select Committee on the bill as amended by them be taken into consideration, the then First Member of Council (Rajamantrapravina N. Madhava Rau) stated as follows:-

Page 22 of 'G'

> "Clause (3) which restricted the operation of this measure to proceedings arising out of suits instituted after 1st July 1939, has been deleted as it is considered desirable that the amendments should apply from the time it becomes law irrespective of the date of the filing of the suit from which the proceedings arise".

This bill became law in 1940 as Act IV of 1940. It was expected that relief would be given in all proceedings before courts after the date the bill became law, irrespective of the date of the filing of the suit which gave rise to the proceedings.

Early last month, certain representatives of the Kolar Gold Field Mining Board interviewed me and urged that with a view to the liquidation of all labour unrest in the Kolar Gold Field, Governmen might consider the advisability of undertaking legislation so as to

enable relief being given in all cases as it was undoubtedly the intention of the Government to do.

Recently, it came to notice that in the Kolar Gold Field a number of attachments had been effected in regard to the wages and salaries of workmen on the ground that the amendments apply only in respect of proceedings which have arisen out of suits instituted after 1st July 1938 and that in other cases the law prior to the amendments in 1938 and 1940 has to be applied. The labourers have therefore been very much agitated over this state of affairs and the mining authorities have also been apprehending trouble.

On enquiry, it is found that in certain civil revision petitions before the High Court of Mysore against the orders of the Munsiff of Kolar in certain execution cases, an order has been made that "until the restriction imposed in 1938 by Act XIII is removed by legislation, courts will have to permit attachment of salaries even when they do not exceed Rs.50 so long as it (the suit) is prior to July 1938". The reasoning is that the alterations made by the Act of 1940 are in respect of provisions of section 60 of the Code which incorporated section 3 of the 1938 Act. The result is that section 3 of the 1938 Act continues to be effective even now and precludes relief being given in proceedings which have arisen out of suits instituted prior to 1st July 1938.

Rajamantrapravina Diwan Bahadur K.Matthan who was requested to examine the question of labour unrest in the Kolar Gold Field and submit a report to Government, has also recommended in his report that relief from attachment to the extent given by the amending Acts of 1938 and 1940 should be given in all cases irrespective of the date of the filing of the suit. He states in his report -

"The point seems to have now arisen that the amendments made in 1938 and 1940 are applicable only to suits filed after July 1938, although from the report of the discussions in the Legislative Council, it would seem that it was the intention of the Legislature to give the benefit of the amendments of 1940 to all cases, whether the suit

were filed before or after 1st July 1938. As things stand, the relief intended to be given by Act IV of 1940 will not reach the class of labourers against whom suits had been filed or decrees obtained prior to 1st July 1938. They can get the benefit of the Act only after their previous debts are fully cleared and this might take several years. This defect could be remedied by a repeal of section 3 of the Act XIII of 1938."

There are at present pending in the High Court a number of second appeals in which the question of attachment of the salaries of workmen in the Kolar Gold Field awaits consideration. In view of the state of law set out in the judgment of the High Court in the revision petitions adverted to above, the decisions in the second appeals will be unfavourable to the labourers unless there is, in the meanwhile, a change in the law.

In order to give effect to the expressed intentions of the Government and of the Legislature as stated by the then First Member of Council, before the Legislative Council in January 1940 and by the Select Committee, and in view of the High Court ruling, section 3 of Act XIII of 1938 has to be omitted in order to remove the bar against general relief.

A draft bill has been prepared for this purpose. Relief has to be given immediately to the labourers of the Kolar Gold Field who have suffered long. The labour situation is becoming periodically acute there. The bill will have to be passed as an Emergency Act in the first instance. It is therefore proposed to enact it as an Emergency Measure in the first instance and to thereafter place it before the Representative Assembly and the Legislative Council in the usual course.

The Dewan and the Ministers are agreeable to the above proproposals. I solicit the gracious sanction of His Highness to these proposals.

MINISTER FOR LAW.

Camp Bhadravati,
9th August 1941.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the proposal to enact the Code of Civil Procedure (amendment) Bill, as an Emergency Act in the first instance, and thereafter to place it before the Representative Assembly and the Legislative Council, for Highness's gracious approval.

N. Madhava Rau

Bangalore,
12th August 1941.

DEWAN.

Record of Cases submitted for the Order

His Highness the Maharaja.

No 124
14.8.41.

Subject.

Proposal to enact the Code of Civil Procedure (amendment) Bill as an Emergency Act in the first instance, and thereafter to place it before the Representative Assembly and the Legislative Council.

Order.

19/8/41.

po. 133

21.8.41

20/8/41

General and Revenue

Secretariat.

C 93

SUBJECT:—

Proposal to enact the Code of civil procedure (amendment) Bill as an Emergency Act in the first instance and thereafter to place it before the R.A. and the L.C.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

34. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

.....Law.....Department.

21/8/41

983
21.8.41 Minister for Finance and Revenue. 28/8

1762
21.8.41 Minister for Law. 21-8-41

1392
22.8.41 Minister for Education. 22.8.41

1107
22-8-41 Minister for Local Self-Govt. and Public Health. 25.8.41

Law Secy. with compliments.

SECY. LAW DEPT. 29 AUG. 1941 GOVT OF MYSORE

NOTE.—Contn. sheet

WD 02878—GPB—300—26-6-41

29.8.41

Code of Civil Procedure (Amendment) Bill

General and Revenue Secretariat
R. A. & L. C.

File No. 13 of 1941. App F. III-2

29/8

Serial No.

The previous sanction of His Highness has been accorded on the 19th August to enact the Bill as an Emergency Act.

A draft G.O. directing publication of the Act as Act XX of 1941 is put up.

It will be got issued as an Extraordinary Gazette today when it is published.

30/8/41

Law Secy)

Draft The Minister for Law has pleased to say that the Act may issue in a Gazette Extraordinary today

Hm
2
30/8/41.

Draft G.O. No. R. 481 Legs 13.41.7 dated 30.8.41 directing publication of Act as Act XXI of 1941 in the Gazette Extraordinary to be issued today.

The ~~Bill~~ Act has been published in a Gazette Extraordinary dated 30.8.41

The Bill will be placed before the R.A. in October. A statement of financial Principles is put up for approval.

5-9-41.

Secy
R.A. & L.C.)

BKR
5-9-41

Law Secy)
May be approved.

Minister for Law)

Hm
2
9/9/41

10-9-41

Hm
2
10/9/41

BKR
10-9-41

BKR

OFFICE OF THE MINISTER FOR LAW
SEP 10 1941
No 2387

SECY. LAW DEPT.
6 SEP. 1941
GOVT OF MYSORE

NOTE—Contn. Sheet.

Please keep the records of the L.C. discussions of 1938 & 1940 Acts

WJG

Bill to amend the Code of Civil Procedure (amendment) Act

File No. 29/M of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

Please send 6 Copies of the Bill and its Statement of Reasons to the Kannada Translation Office for necessary action to place the Bill before the R.A. in October. Action may also be taken in R.A. Office in this behalf

11.9.41

OFFICE OF THE SECRETARY
H.W.S.
11 SEPT. 1941
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

The Bill is ready for the R.A. It is for orders as to who is to be in charge of the Bill in the R.A.

27.9.41

Secy (R & L)

The Law Secretary may be in charge

BKR
27.9.41

Law Secy)

SECY. LAW DEPT.
28 SEP. 1941
GOVT OF MYSORE

H.W.S.
28/9/41

The Principles of the Bill were approved by the R.A. The Bill will be published under Rule 36 of the Mysore Legislative Rules, if approved. The St. of Principles will be adopted as the St. of Final Principles

3.11.41

Law Secy) - It may be approved.

Minister for Law.)

H.W.S.
3/11/41

3.11.41

4/11

H.W.S.
5.11.41

OFFICE OF THE MINISTER FOR LAW
NOV 4 1941
No 4766

Bill to amend the Code of Civil Procedure (Amendment) Act, 1938

Serial No.

May be approved

Dewan)

Hm
2
5.11.41
Dewan
6.11.41

DEWAN'S OFFICE
6. NOV. 1941
NO 3764

Hm
7/11/41

Hm
2
7.11.41.

OFFICE OF THE SE...
W.D.S.
7 NOV. 1941
PRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

The Bill may be published under rule 36 early

Dewan
7.11.41

Submitted with a draft notification for approbation

Dewan
10.11.41

Dewan
10.11.41

BVN
10/11/41.

The Compiler, Mysore Gazette

Notification No 915 dated 11.11.1941

directs the publication of the Bill in the Gazette under Rule 36 of the Mysore Legislature Rules, 1941.

This Bill Consists only one substantive Clause and does not appear to require reference to a Select Committee. The following motions are therefore suggested

1. Motion that the Bill published under rule 36 of the Mysore Legislature Rules be taken into Consideration by the Council at once

Mover: Minister for Law

Seconder: Law Secretary

NOTE—Contn. Sheet.

(91)

Bill to amend the Code of Civil Procedure (amendment) Act, 1938

File No. 29/NL of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

2. Motion that the Bill be passed.

Move: Minister for Law

Second: Law Secretary

Sd/- 12-11-41

Law Secy.)

May be approved

Minister for Law.)

Hm 2 12/11/41.

Sd/- 12-11-41

Please write about Motion 1 in the light of L.C discussion for rulings in June Session

Sd/- 13/11

Hm 2. 14-11-41

Orders of the Law Minister have been obtained on the Insolvency (amendment) Bill for the motion. Action taken steps to include the above motion

Sd/- 18/11/41

The Bill was passed by the L.C during its recent session. A Copy of the Bill as passed and signed by the President is put up as required by S.O 45.

A & F.N is submitted for Consideration.

Sd/- 27.12.41

Law Secy.)

D. & N. submitted

Minister for Law)

For signed

Hm 2 27.12.41.

Sd/- 27.12.41

29/12

SECY. LAW DEPT. 12 NOV. 1941 GOVT. OF MYSORE

OFFICE OF THE MINISTER FOR LAW NOV 13 1941 No. 4690

Hm 2

Noted

OFFICE OF THE SECRETARY 24 NOV. 1941 REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

OFFICE OF THE MINISTER FOR LAW DEC 29 1941 No. 6564

Bill to amend the Code of Civil Procedure (amendment) Act, 1938

General and Revenue Secretariat
R. A. & L. C.

File No. 29/42 of 194

App. F. III-2

Serial No.

S.N. is submitted.

31.12.41

Law Secy)

Dewan)

2/1/42

2.1.42

SECY. LAW DEPT. 2 JAN. 1942 GOVT OF MYSORE

DEWAN'S OFFICE 3. JAN. 1942 NO. 5675

NOTE—Contn. Sheet.

Final Note by the Minister for Law.

Subject.—

A Bill to amend the Code of Civil Procedure (amendment) Act, 1938.

On the 19th August 1941, the gracious sanction of His Highness was obtained to pass the Bill to amend the Code of Civil Procedure Act of 1938 into law as an emergency Act and to place it thereafter before the Representative Assembly and the Legislative Council.

An emergency Act was accordingly published as Act XXI of 1941. The statement of principles of this measure was placed before the Representative Assembly in October and approved by that body. The Bill was thereafter introduced in the Legislative Council during its session and passed by that House at one sitting. A copy of the Bill as passed by the Legislative Council and signed by the President, in accordance with Standing Order 44 of the Mysore Legislative Council Standing Orders, is submitted herewith.

I now solicit the gracious sanction of His Highness to promulgate this Bill into law as a permanent measure.

MINISTER FOR LAW.

Bangalore,
29th December 1941.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the promulgation into law of the Bill to amend the Code of Civil Procedure (amendment) Act, 1938, for His Highness's gracious approval.

N. M. Dharmadan

DEWAN.

Camp Trivandrum,)
)
5th January 1942.)

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Bill to amend the Code of Civil Procedure (amendment) Act, 1938.

No. 517

Order.

17/1/42.

17.1.42

C 93

General and Revenue Secretariat.

C649.

SUBJECT:—

Promulgation into law of the Bill ~~xx~~to amend the Code of Civil Procedure (amendment Act, 1938.

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

34. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

.....Law.....Department. 17.1.42

4002/20.1.42 Minister for Finance and Revenue. 21.1.42

7348/19.1.42 Minister for Law. 20-1-42

3973/22/1/4 Minister for Education. 21-1-42

Minister for Local Self-Govt. and Public Health. (on deputation)

Law Secy. with compliments.

23/1/42

23.1.42

26.1.42

NOTE.—Contn. sheet

WD 04199—GPB—500—27-9-41

The civil procedure code Amendment A

6624

General and Revenue Secretariat
R. A. & L. C.

Legis File No. 29 of 1941. App. F. III-2

Serial No.

The gracious assent of His Highness has been accorded on the 6th January 1942 to promulgate the Bill into Law

A draft G. O. directing publication of the Act as Act No III of 1941 is put up for approval.

27-1-42 27.1.42

Secy

Rahe

27.1.42

Secy

BSKR 27.1.42

27.1.42

BSKR 27-1-42

SECY. LAW DEPT. 27 JAN. 1942 GOVT OF MYSORE

Issued No 1313 Legis 34-41-1 dated 27-1-42 to the compiler, Mysore Gazette, directing publication of the Act as Act No III of 1942.

Accord

NOTE—Contn. Sheet.

A Bill to amend the Code of Civil Procedure (Amendment) Act, 1938.

WHEREAS it is expedient to amend the Code of Civil Procedure (Amendment) Act, 1938;

It is hereby enacted as follows:-

Short Title.

1. This Act may be called an Act to amend the code of Civil Procedure(Amendment) Act, 1938.

Omission of Sec.3 Act XIII of 1938.

2. Section 3 of the Code of Civil Procedure (Amendment) Act, 1938 shall be omitted.

G. R: S. VI.—s-III/14]

DRAFT.

SUBJECT.....

.....

.....

Section. Legis
File No. 13-41
Serial No. 1

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

, the.....*191* .

Order No. RL 481

Ordered that the accompanying Emergency Act to amend the Code of Civil Procedure (amendment) Act, 1938

which received the assent of His Highness the Maharaja, on the 19th

Date of issue.....

day of August '1941,

Signed by.....

be published as ~~Regulation~~ Emergency Act No. XXI of 1941, in the *Mysore Gazette* for general information.

25/8/41.
Secretary to Government.
Law Dept

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part ~~III~~ II of ~~the~~ a Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

Extraordinary to be issued today.

Act No.XXI of 1941.

An Emergency Act to amend the Code of Civil Procedure (amendment) Act, 1938 (XIII of 1938).

(Received the assent of His Highness the Maharaja on the 19th day of August 1941.)

WHEREAS the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action to amend the Code of Civil Procedure (Amendment) Act, 1938 (XIII of 1938) for the purpose hereinafter appearing;

NOW THEREFORE in exercise of the powers conferred by sub section (1) of section 31 of the Government of Mysore Act, 1940, (XVIII of 1940);

It is hereby enacted as follows.-

Short title.

(1) This Act may be called an Emergency Act to amend the Code of Civil Procedure (amendment) Act, 1938.

Omission of Section 3, Act XIII of 1938.

(2) Section 3 of the Code of Civil Procedure (amendment) 1938, shall be omitted.

N. Madhava Rau

DEWAN.

Regd. No. M. 1175

The Mysore Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY.

BANGALORE, SATURDAY, AUGUST 30, 1941.

PART IV.

Legislative Measures and Rules thereunder

NOTIFICATION.

Order No. Rl. 481—*Legis.* 13-41-1, *dated Bangalore, the* 30*th August* 1941.

Ordered that the accompanying Emergency Act to amend the Code of Civil Procedure (amendment) Act, 1938, which received the assent of His Highness the Maharaja, on the 19th day of August 1941, be published as Act No. XXI of 1941, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XXI OF 1941.

An Emergency Act to amend the Code of Civil Procedure (amendment) Act, 1938 (XIII of 1938).

(Received the assent of His Highness the Maharaja on the 19th day of August 1941).

WHEREAS the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action to amend the Code of Civil Procedure (amendment) Act, 1938 (XIII of 1938) for the purpose hereinafter appearing;

NOW THEREFORE in exercise of the powers conferred by Sub-section (1) of Section 31 of the Government of Mysore Act, 1940 (XVIII of 1940);

It is hereby enacted as follows :—

Short title.

(1) This Act may be called an Emergency Act to amend the Code of Civil Procedure (amendment) Act, 1938.

Omission of Section 3, Act XIII of 1938.

(2) Section 3 of the Code of Civil Procedure (amendment) Act, 1938, shall be omitted.

N. MADHAVA RAU,
Dewan.

Printed by the Superintendent at the Government Press, Bangalore

Submitted for kind perusal.
Law Minister

Office of the Publicity Officer
to the Government of Mysore,
Public Offices,

Bangalore, 4th September 1941.

OFFICE OF THE
MINISTER FOR LAW
SEP 6 1941
No.....

No. P. 15/41-42.

PRESS NOTE

It is a well recognized principle that salaries and wages below a certain minimum should not be attached by Courts for debts. One of the measures suggested for relieving labourers from the burden of their indebtedness is the raising of the minimum below which wages and salaries cannot be attached. As early as 1931 the Whitley Commission recommended that wages and salaries of workmen below Rs. 300 per month should be exempt from attachment for debts.

In Mysore, prior to 1938, salaries up to Rs. 20 per mensem could not be attached. The Committee that examined the question of the indebtedness of officials in Mysore recommended that the exemption limit should be raised from Rs. 20 to Rs. 50. An Act was passed in 1938 by which salaries not exceeding Rs. 50 and half the salaries in excess of Rs. 50 were exempted from attachment. But this was made applicable only in cases where the suits were filed after the 1st July 1938. Another Act was passed in 1940 and it was expected that the relief given by the Act of 1938 could be had in all cases irrespective of the date of filing the suits. This was also the intention of Government. But the Courts held that section 3 of the Act of 1938, which laid down that the benefit of the enhanced exemption could be had only in suits instituted after 1st July 1938, still held good and that unless this section was repealed salaries above Rs. 20 could be attached in suits instituted before 1st July 1938.

Repeated representations were made to Government that the restriction imposed by section 3 of the Act of 1938 considerably reduced the benefits of the Act to the labourers and that the section should be repealed in accordance with the intentions of Government declared in the past. It came to the notice of Government that the situation in the Kolar Gold Field had become acute in this respect and that labour there had been restive on several occasions. In order to

give immediate relief to labourers who have been suffering on this account Government promulgated on 30th August 1941 an Emergency Act to repeal section 3 of the Act of 1938. The effect of the Emergency Act is that salaries not exceeding Rs. 50 and half of the salaries in excess of Rs. 50 are exempt from attachment in all execution proceedings irrespective of the fact whether the suits were filed before or after 1st July 1938.

C. NARASIMHA MOORTY,

Publicity Officer to the Government of Mysore.

Confidential- 473
CB

Letter No. C.759-Encls. dated the 15th August 1941 from the Private Secretary to His Highness the Maharaja of Mysore, to the Chief Secretary to the Government.

I am desired to forward herewith for favour of disposal the following circulars received from the office of His Highness the Chancellor of the Chamber of Princes.-

1. Circular No.64/VII-101 dated 5th July 1941 regarding the War Risk (Goods) Insurance Ordinance, 1940.
2. Circular No.66/VII-102, dated the 7th July 1941, re. the War and Internal Security.
3. Circular No.70, dated the 10th July 1941, re. Extra-territorial rights of the Government of India with respect to European and American subjects in Indian States and over Government servants.

Submitted.

(Intd.) D.T.K.
16.8.41.

DEWAN)

Fin. & Rev. Minister) (Intd.) N. M.
and 17.8.41.
Law Minister.)

X X X

Action taken

" Please send the A.R.P. pamphlet to I.G.P. for A.R.P. Special Officer's reference and keep the Internal Security letter in connected file. "

(Intd.) A. V. R.

31. 8. 41.

DEPY. LAW DEPT. AS Legis 1941 GOVT OF MYSORE

Intd: to Law Secy. with copy of circular No. 64.

2/9.

file in echo file

Hm 3/9/41
BKR
3.9.41

Office of H.H. the Chancellor, Chamber of Princes
(Narendra Mandal)

Confidential

Circular No: 64/VII-181

Council House
New-Delhi,
5th July, 1941.

Subject:- War-risk (Goods) Insurance Ordinance, 1940.

Please put up
Your Highness

Please refer to my circular letter No:9. dated the 10th February 1941. on the above subject. In paragraph 2 of that circular it was intimated that the Standing Committee had decided that certain points suggested by various States, may be referred to the Political Secretary for elucidation. The Political Secretary was accordingly addressed and his reply to the various points addressed to him is cited below for Your Highness' information:-

QUESTION.	ANSWER.
...ch agency would exercise the functions allotted to the Central Government under the aforesaid Ordinance within a State in case it is sought to be applied to the territories of that State? Will it be possible for the States so desiring to come to some arrangement under which the administration of the ordinance may vest in the State concerned?	Where a State decides to enact legislation corresponding with the Ordinance but to receive premia and carry the risk itself, it will be for the State to enact either (1) a self-contained transcript of the Ordinance substituting references to the Ruler or Government of the State for all references to the Central Government, or (2) a law adapting the Ordinance as a State law with provision for the above-mentioned modifications. The result of such legislation would be to require persons carrying on business in the State as sellers of goods to insure insurable goods situated in the State in accordance with the States scheme, which would be a counterpart of, but wholly separate from, the British Indian scheme Where a State decides to enact legislation corresponding with the Ordinance and desires that the Central Government should receive premia and carry the risk, the State will still have to enact a counterpart with similar substitutions

to sections 1 to 4 and 10 to 13 of the Ordinance, For Sections 5 - 7 there would have to be substituted a Section providing in substance that no person shall carry on business in the State as a seller of goods unless in respect of insurable goods situated in the State for the time being owned by him in the course of his business there is in force a policy of insurance issued by the authority operating the British Indian scheme, and this provision would have to be balanced by the insertion in the British Indian Ordinance of a provision to the effect that where the Central Government was satisfied that by the law of an Indian State persons were required to take out such policies of insurance, the Central Government might empower persons or firms authorised under Section 6 of the British Indian Ordinance to receive premia in British India from such persons and that such premia should be paid into the fund established under Section 9 of the British Indian Ordinance and that sums required for the discharge of liabilities on the insurances effected by such persons should be paid out of that fund. A common fund would thus be achieved but rights and liabilities in respect of British Indian insurances and State insurances would remain wholly distinct.

In both cases the administration of the Ordinance would be vested in the States. In cases in which the Central Government receive the premia and carry the risk on behalf of the States it will be necessary for the States to give an undertaking that they will enforce within their territories any rules, orders or notifications issued under certain specified Sections of the British Indian Ordinance from time to time as if they were made under the State law.

Would the offences under the Ordinance be triable by State Courts, if so, where would fines credited?

Offences under the State law will, of course, be triable in the State Courts and fines credited to the State revenues.

Would the scheme in the case of the States so desiring be made applicable on reciprocal basis to goods insured in the States and transferred to or in transit across British India?

No

Is it understood that the States participating in the scheme could make a reservation to the effect that the excess profits, if any, under Section 9 of the Ordinance, shall be credited to the Central revenues as a War measure only and

The Ordinance is a War measure itself and legislation on the lines thereof would be valueless after the War.

and without prejudice to the right of the States to participate therein should legislation on the lines of the Ordinance be continued after the War.

Would the States be paid any expenses incurred by them in working out the provisions of the Ordinance within their territories?

It is not possible to be precise at this stage, but expenses similar to those charged to the Fund in British India at present, would no doubt be charged to the Fund if incurred in the States participating in the scheme.

Is it contemplated that the provision relating to the collection of premia and payment of insurance etc. shall not apply to States more or less outside the air-raid zones?

No. The Central Government would only bear risks in respect of States, provided States show a fairly unanimous desire to join in the scheme. Those joining would have to bear equal rates of premium with British India irrespective of geographical position, just as the rates are the same for all parts of British India irrespective of their position.

Trusting this finds Your Highness in the enjoyment of excellent health,

Yours sincerely,

DIGVIJAYSINHJI,

Maharaja Jam Sahib of Nawanagar,
Chancellor. Chamber of Princes.

Tele. { Phone No. 2004
Grams—INDUSCOM.

In reply please quote number, date & short title.

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE.

2992

FROM

B.G.A.Mudaliar, Esq., B.A., B.Sc., A.M.I.Mech.E.,
Director of Industries & Commerce
in Mysore, Bangalore.

To

M. Venkatesha Iyengar, E sq., M.A.,
Secretary to Government,
Developement Department,
Bangalore.

No.F 104/40-41

Dated 22nd January 1941.

Enclosures 2

SIR,

Trade Marks Act

With reference to your letter No. D.3171 dated 13-1-41 calling for notes on the several clauses of the Draft Bill on the Trade Marks Act submitted to Government, I have the honour to send herewith the same, for the information of Government.

In this connection, I have to invite a kind reference to section 20 and proviso to section 6 (3) of the draft Trade Marks Act submitted to Government, in which protection is afforded to owners of unregistered trade marks and provision is made for the registration of such marks though not "distinctive" which have been continuously in use prior to 25th February 1937. This date viz. 25th February 1937 which occurs in the Indian Act has been retained in the draft bill for purposes of uniformity. But on further consideration it is felt that there is no need to retain that date; but for our purpose we may adopt the period prior to the date of official publication of the Bill.

The Registrar of Trade Marks, Calcutta, who was requested to enlighten us as to the basis on which "25th February 37" was fixed in the Indian Act to safeguard the rights of old unregistered Trade Marks; has stated that that was the date on which the first official memorandum containing an outline of the proposed scheme of legislation including the provisions

provisions in favour of"old marks" was published and with a view to preventing people from deliberately choosing "descriptive or laudatory" words as their trade marks to enjoy the privileges proposed for well established marks in the memorandum after its publication, the period prior to 28th February 1937 being the date of the aforesaid first memorandum had been prescribed (vide copy of his letter No. 1350 dated 16-12-40 enclosed.)

In this view, therefore, we may for purposes of our Act, prescribe the period prior to the date of publication of the Bill, in the Sections mentioned above for safeguarding well-established unregistered trade Marks, though they may not be "distinctive" as defined in the Act.

I have the honour to be,
Sir,
Your most obedient servant,

NRM:3

DIRECTOR.

Letter No. 1350 dated 16th December 1940 from The Controller of Patents and Designs and Registrar of Trade Marks to the Director of Industries & Commerce and Ex-Officio Controller of Patents and Designs Bangalore.

*****

With reference to your letter No. E.Pat.104/40-41/Mis., dated the 9th December 1940, I have the honour to inform you that the date "25th day of February 1937" mentioned in the proviso to Section 6(3), and in Section 20 of the Trade Marks Act, 1940, is the date on which the first official memorandum No. 401 (1) - Tr. (I.E.R.) containing an outline of the proposed scheme of legislation including the provisions in favour of 'Old' marks, was published. It was suggested in certain quarters that after the publication of this memorandum, some people may deliberately choose descriptive or laudatory words as their trade marks in the hope of enjoying privileges proposed in the memorandum for well established marks only. But as the user in such cases would not have been genuine it was considered desirable to specify that to be able to come within the proviso to Section 6 (3) and within Section 20, an old mark must have been in continuous use since before the 25th of February 1937, the date of the memorandum, aforesaid.

******

"COPY"

NRMN:2

DIRECTOR.

Mysore Trade Marks Act, 194

***

Notes on clauses.

Clause 1. Title of the Act, extent and commencement are defined.

" 2. Definitions of important terms used im the Act are laid down.

" 3. Provides for the application of other laws.

" 4. Provides for the maintenance of a register of trade marks at the Patent Office, Bangalore, under the control and management of the Ex-officio Controller of Patents and Designs, who for the purposes of this Act, will be called the Registrar of Trade Marks.

" 5. Provides for the registration of a trade mark only in respect of particular goods or classes of goods.

" 6. This clause prescribed the conditions under which a trade mark will be entitled to registration under the Act and constitutes the very pivot of the legislation proposed.

" 7. This clause limits a trade mark wholly or in part to one or more specified colours.

" 8. Registration of certain kinds of matter as Trade Mark is prohibited.

" 9. Under this clause the use of the usual names of chemical elements as trade marks is barred in respect of chemical substances or preperations.

" 10. Registration of identical or similar trade marks under certain conditions is prohibited under this clause, which will not only protect owners of registered Trade Marks but safe guard the interests of the ~~jubiloe~~ public as well.

" 11. Prvides for the registration as a series in one registration of marks which resemble each other in material respects with a view to ensuring that in the event of the assignment or transmission of such marks, there will be no confusion or deception resulting from seperate ownership. Such marks are deemed to be "associated marks", which are assignable only as a whole and not seperately.

P.T.O.

Clause 12. Defines the circumstances in which trade marks shall be entered on the register as "associated trade marks".

" 13. Prevents the right of exclusive use of non-distinctive parts of a registered trade mark.

" 14,15 and 16 Lay down the procedure for, and duration of registration of trade marks in Mysore.

" 17. Provides safeguard for the rights of persons who, though independent traders, are jointly interested in the same mark.

" 18. Fixes the duration of the first registration and its subsequent renewal.

" 19. Defines the effect of removal from the register for default in payment of the renewal fees.

" 20. Provides for right of action against any person for the infringement of an unregistered trade mark provided that an application for the registration of such a mark has been refused and that it has been in use continously since the time prescribed in the Act, thus safeguarding the rights of owners of unregistered trade marks.

" 21. This clause defines the effect of registration, viz., that it confers on the owner of a trade mark in respect of any goods the exclusive right to use the mark in relation to these goods.

" 22. This clause lays down the circumstances in which the right to the use of a trade mark given under section 21 shall not be deemed to be infringed.

" 23. It is laid down in this clause that the registration of a trade mark constitutes prima facie evidence of its validity.

" 24. This clause safeguards the position of registered owners by making the registration conclusive as to validity after seven years.

" 25. This clause is designed to safeguard the rights of a prior user.

" 26. Under the provision made in this clause, the registration of a trade mark does not interfere with the right of a person to the bona fide use for the purpose of business of his own name or the name of his place of his business or a bona fide description of the character or quality of his goods.

Clause 27. This clause safeguards the legitimate interests of ex-patentees and others, without, however, permitting the creation of an exclusive monopoly in words which the trade mark contains or of which it consists as the name or description of an article or substance.

" 28. This clause provides for the assignment of trade mark by a registered proprietor thereof to another person and to give receipts for any consideration for such assignment.

" 29 Provision is made in this clause for the assignment or transmission of a registered trade mark for the whole or part of the goods in respect of which it is registered.

" 30. This clause provides for the assignment or transmission under certain conditions of unregistered trade marks used in connection with a trade mark.

" 31. This clause prohibits assignments and transmissions which create an exclusive right to use the same mark in relation to the same goods in more than one person.

" 32. Under this clause assignments or transmissions to more than one person of the same or resembling marks in respect of the same goods in seperate parts of Mysore are prohibited unless the Registrar is satisfied that the use of the marks in exercise of those rights would not be contrary to public interest.

" 33. The Registrar is empowered under this clause to direct the assignee, in cases of assignment otherwise than in connection with the goodwill of a business, to advertise the assignment with a view to giving fullest publicity to the transfer.

" 34. This clause requires that the consent of the Government is necessary for the assignment or transmission of a certification trade mark and provides for the assignment and transmission of associated trade marks only as a whole.

" 35. This clause lays down the procedure for the registration of the title of a person to the assignments and transmissions of registered trade marks.

" 36. Provision is made in this clause for trade mark owners to register their marks for use by a company which is about to be formed.

Clause 37 This clause provides for the removal from the Register of unused trade marks as also the marks which have not been used for five years in Mysore.

" 38 Under this clause, well-known trade marks can be registered as defensive trademarks subject to safeguards which are designed to protect the interests of the general body of traders.

" 39 This clause provides that Trade Mark owners who may not wish to assign or transmit their marks may appoint other persons as registered users of their trade marks.

" 40 Under this clause a registered user of a trade mark can institute proceedings for infringement.

" 41 The procedure regarding the registration of the registered user of a trademark is prescribed in this clause.

" 42 The power of the Registrar of Trade Marks is defined in this clause in the matter of cancellation of registration or variation of the conditions on which a person is allowed as a registered user.

" 43 Under this clause a registered user of a trade mark does not have the right of assignment or transmission.

" 44 This clause safeguards the interests of traders who for business reasons may have used a trade mark differing from the trade mark as registered, without, however, substantially affecting its identity.

" 45 This clause permits of the use of a trade mark acquired in Mysore in respect of goods for export, and also protects the use of a trade mark when the user's form of trade connection changes.

" 46 This clause empowers the Registrar or the High Court to cancel or vary the registration of a trade mark under certain circumstances.

" 47 This clause provides for making necessary corrections in the Register of Trade Marks by the Registrar at the request of the registered proprietor of a Trade Mark.

" 48 Under this clause the Registrar may, at the request of the proprietor of a registered Trade Mark, alter the Trade Mark.

Clause 49 This clause provides that no amendment having the effect of addition of any goods to those in respect of which a trade mark has been registered, or of ante-dating the registration shall be made.

" 50 This clause prescribes the provisions of the Act applicable to certification trade marks.

" 51 Under this clause a certification trade mark shall not be registered in the name of a person who carries on a trade in goods of the kind certified.

" 52 This clause provides the criterion in determining whether a mark is a certification trade mark or not,

" 53 This clause contains provisions for consideration of an application for the registration of a mark as a certification trade mark by the Registrar.

" 54 This clause provides for consideration of an application for the registration of a mark as certification trade mark by Government after permission to proceed with that application under clause 53 has been given by the Registrar of Trade Marks

" 55 This clause prescribes the procedure to be followed after acceptance by Government of the application for the registration of a mark as certification trade mark.

" 56 Regulations approved by the Government for governing the use of each certification Trade Mark are required to be deposited under this clause.

" 57 & 58 These clauses analogous to sections 21 and 22 respectively define the rights conferred on an owner of a certification Trade Mark by registration, and lay down the conditions and limitations in which there will be no infringement of a certification Trade Mark.

59. Under this clause, the Govt. is empowered to cancel or vary entries in the Register of Trade marks relating to Certification trade marks on the report of any aggrieved person or on the recommendation of the Registrar.

60. This clause provides that the Registrar shall have no power to award costs in certain cases on an appeal relating to certification trade marks.

" 61 This clause provides that every decision of Government shall be final.

" 62. This clause empowers the Government to specify the classes of textile goods to which the provisions on the

on the subject will be applicable.

Clause 63. This clause requires the maintenance of a Refused Textile Marks list which shall be open to the inspection of the Public subject to such conditions and restrictions as may be prescribed.

" 64 This clause lays down the restrictions ~~imposed~~ on the classes of marks which could be registered in respect of textile goods, being piece goods

65 The Procedure for the registration of textile goods is prescribed in this clause.

" 66 This clause provides for the constitution of an Advisory Committee of experts versed in the usages of the textile trade by Government to assist them in the disposal of application for registration of trade marks.

" 67 Penalty is provided under this clause for falsification of entries in the Register.

" 68. This clause provides for penalty for falsely representing a trade mark as registered mark.

" 69 Under this clause any person aggrieved may move the Registrar or a court to restrain a person from using Royal Arms State Emblems, etc.

" 70 This clause lays down the procedure in respect of the proceedings under the Act before the Registrar.

" 71 The Procedure in respect of the proceedings under the Act before the Government is prescribed in this clause.

" 72 This clause indicates the procedure where an option is allowed to the applicant to make an application either to a High Court or the Registrar.

" 73 This clause requires that suits relating to rights in a trade mark should be instituted before a District Court.

" 74 This clause provides for the appearance of the Registrar before the tribunal in respect of proceedings involving rectification of the Register of Trade Marks.

75 Under this clause written or printed copy of any entry certified by the Registrar shall be admitted in evidence in all courts.

" 76 Appeals to the High Court from the decision of the Registrar are provided in this clause.

Clause 77 This clause empowers tne High Court to make rules consistent with this Act as to tne conduct and procedure of all proceedings under this Act before it.

" 78 This clause enables the owner of a registered trade mark to protect himself in any legal proceedings, where the validity of the registration of a trade mark comes into question, by the production of a certificate of validity granted by the tribunal in respect of tne registration of his Trade Mark.

" 79 Tnis clause provides that in trade mark cases it is obligatory on tne tribunal to admit evidence of tne trade usuage ~~account~~ etc.

" 80 This clause provides for tne appointment of agents under tne Act.

" 81 This clause provides for payment, in respect of applications, registration and otner matters under tnis Act, such fees as may be prescribed by Government.

" 82 The provisions of this clause will enable tne Government to enter into receiprocal arrangements with otner Governments for the mutual protection of trade marks.

" 83 This clause empowers the Government to make rules subject to previous publication, for carrying out tne purposes of tne Act.

" 84 This clause empowers the Government to make provision enabling intending applicants for tne registration of trade marks to deposit tneir applications at the Patent Office before tne coming into operation of the remaining provisions of this Act.

-:o:-

B B Mudaliar

NRM:4)
24-1-1941.)

DIRECTOR OF INDUSTRIES AND COMMERCE

S/

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No 637/B.2. *Bangalore, dated* 19 March 1942.

From

M. VIRARAJA URS, Esq., B.A., B.L.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
BANGALORE.

To

Rajasevaprasakta
A.N.Raghavachar,Esq.,M.A.,
Financial Secretary to Government of Mysore,
Bangalore.

Sir,

Adverting to Order No.Fl.4140 dated 3-1-1942 forwarding a copy of letter No.Fl.4139/G.F.218-38-4 of even date addressed to the Inspector General of Police in Mysore, Bangalore regarding funds recognised by Government for purposes of salary attachment for issue of necessary amendment to the Mysore Civil Account Code Volume I, I have the honour to state that according to Note 1 to Article 56 B of the above code Local allowances granted for expensiveness of living and other allowances such as house rent or sumptuary allowances granted to meet specific expenditure are not included in "Salary" for the purpose of Section 60(1) (i) of the Civil Procedure Code and they should be treated as exempt from attachment by a Civil Court. The particular Government Notification based on which this note has been introduced in the Code is not readily traceable and as a doubt is felt as to whether the same has to be retained in the correction slip now to be issued according to the revised Act, I request you kindly to obtain and communicate orders of Government in the matter. According to clause (k) and Explanation (2) (ii) to Section 60 as newly introduced a notification by Government is necessary to exempt particular classes of allowances from attachment.

I have the honour to be
Sir,
Your most obedient servant,

M. Viraraja Urs
Comptroller.

KR/18.

194
dc

Serial No.

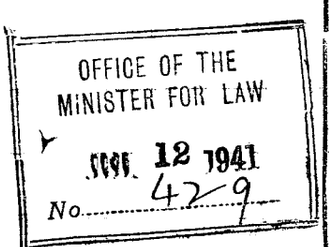
LABOUR SITUATION AT K. G. F.

*****

The Chief Inspector of Mines spoke to me from K. G. F. at abour 3 p.m. today, and said that since this morning, the labourers had agreed to receive wages and were in fact receiving wages and that the situation had turned to normal.

He said that he was making an official report in the matter.

For favour of perusal.



Minister for Law)
&
D E W A N)

Bre 12-7-41

WD 12/7/41

Nee 12/7/41

Law Sec'y for being circulated with the file re: amendment of P.C.

Bre 12/7

Hm 12/7/41

NOTE—Contn. Sheet.

Kolar Gold Fields Labour Union,

Patron:
V. V. GIRI, Bar-at-law.
Hony. President:
P. R. K. SARMA, B.A., M.L.A. (Lab.)
Gen. Secretary:
K. C. PHILIPS.
Treasurer:
A. T. LAKSHMANA MUDALIAR.

11-7-41

OFFICE OF THE
MINISTER FOR LAW
JUL 11 1941
No .....

President's Office,
'Garden Club' Sembiem,
Perambur Post,
Dated 10th July 1941.

KUPPAM,
Chittoor Dt.

Dated, ...

Dear Sir,

You will kindly pardon me for disturbing you with the following representation in the midst of your multifarious work. The urgency of the matter and serious feelings among the workers compel me to write to you.

In the course of my letter of the 15th ~~May~~ June 1941, I had complained that deductions were made that month from Pay Sheets of ~~the~~ workers for civil debts even though the practice had not been in vogue for a long time previously. The workers were verymuch agitated over the revival of the practice. The Union even made a reference to the matter in the Bulletin immediately issued. The workers were hopeful as a result of the representations that the practice would be given up. But I learn from a telegram received late in the evening yesterday that deductions for civil debts have again been made this month also from Pay-Sheets of numerous workers and that consequently they have decided to defer receiving the wages. I have advised the workers that in case such deferring takes place, it should be confined to the workers immediately affected and others should receive their wages. I have also advised that the workers should on no account get unnecessarily excited over the matter as by a suitable representation it can ~~possibly~~ easily be

redressed.

I request you to kindly advise the Mining authorities not to make the deductions and to follow the same policy which they have been pursuing for a long time and oblige.

I was away from Madras for about a fortnight in my native place in connection with my private affairs. While so away I developped a bad abcess below my left eye. It has not yet healed and my eyes are bandaged up. I was very anxious to be present at Mysore to witness the last session of the reformed Legislature. But owing to the unforeseen difficulty I could not do so. I hope to be in Bangalore about the 14th instant, when I hope you will be able to spare me a few minutes.

Thanking you

Yours faithfully,

Hon.President.

Rajasevaprasaktha A. V. Ramanathan,
Minister for Law, Labour and Mines,
Government of Mysore, BANGALORE.

Dewan)

11-7-41

12/7/41

Letter for C.P.C. Secretariat file

Telegraphic Address :—
MINESPECTOR "

GOVERNMENT OF MYSORE.

DEPARTMENT OF MINES AND EXPLOSIVES.

No 111. / ~~113-15~~
Encl.

Dated Oorgaum, (S. India). 11th July 1941.

FROM

K. Duraiswamier, Esq., L.A.,A.I.M.M.,
Chief Inspector of Mines and Explosives in Mysore.

To

V.Vedavyasacharya, Esq., B.A.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Development Department, Bangalore.

Sir,

In continuation of my letter No. dated 5th July 1941 re: anonymous petition praying for cancellation of the attachments in the wages, I have the honour to state that the workmen of the Champion Reef Mine who had assembled in front of the General Office on the morning of the 10th inst. for their wages refused to receive payment on the ground that the wages of a few of them have been attached by the Civil Court. The Superintendent of the Mine explained to them that the Orders of the Court must be obeyed and that the question of the cancellation of attachment is engaging the attention of Government. They refused to take the advice of the Superintendent and went home without taking their pay. The payment of wages was carried out without any disturbance in the other three mines in the morning shift.

During the afternoon shift payment was commenced as usual in Mysore Mine at 2.45 P.M. but after a few minutes the workmen assembled refused to take payment and went away. In the Champion Reef Mine none came to receive pay but about a 100 of them had gathered in the Office Compound demanding severe punishment to the foreman and two mistris who took two women workmen to the 7oth level

the previous day. On making enquiries it was found that Capt. Osborne had permitted road mestris Govindan and Gangan to take two women to the 70th level just for showing the underground level to them. But the workmen assembled alleged that they were forcibly taken down and made to work underground. It was also stated that they put the men to shame by saying that the women were working better than them. Capt. Edwards, Chief Underground Agent who enquired into the cause told them that he would fine the mestris a shift each for having taken the women underground without permission. The men assembled there considered thi to be a very lenient punishment and insisted that both the men and the women must be suspended from work for a period of not less than a week and that this punishment should be given publicity by writing on the Notice Board on the Shaft Top. Capt. Edwards said that he would refer the matter to the Superintendent who would announce his decision in the matter early.

Pay was disbursed as usual in the Doregum and Mundydroog Mines yesterday afternoon also.

During this morning, 11th inst., Doregum Mine workmen received their pay as usual but the workmen of the remaining 3 Mines refused a: a protest against the revival of wage attachment. But after sometime they took their pay as usual.

At the time of writing, pay is being disbursed in all the Mines in the usual manner.

About 12 noon today the following persons came and saw me in the office and said that they had come to see the Minister to express their grievances but as he had left they requested me to place their grievances before Government and prayed for early and sympathetic settlement. The names

255 p 41

of the persons are:-

1. Mahimainathan - pump driver, Champion Reef

2. Rathnam, machine cooly of contractor Seetharama Naidu, Mysore Mine

3. Kanagarajamani, mining teacher, Mysore Mine

4. Chowrie, Engineering Gang, South Main Mines, Champion Reef Mine

5. Perumal, driver. Champion Reef Mine

6. Parthasarathi, driver, Champion Reef. Mine

The grievances were -

1. Cancellation of attachment

2. Increase of wages

3. Regular increments

4. Better houses.

Though strong protest against attachment was displayed by refusing to take pay, the normal work of the mines was not interfered with in any way.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. K. Duraiswamier,
Chief Inspector of Mines
Explosives in Mysore.

OFFICE OF THE MINISTER FOR LAW
JUL 14 1941
No 477

Proby & Secy.

CHIEF SECRETARY
12. JUL. 1941
GOVT. OF MYSORE.

R. C.

No. 113-15

Copy forwarded, with compliments, to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, Bangal for information.

Chief Inspector of Mines
Explosives in Mysor

This may be sent to Hon'ble Minister for Law in CPC amendment file Re (4-7-41)

For personal BKR 12-7-41

Chief Secy (Law Minister) 13/7

Hon'ble 15/7/41

C.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

DEW

Charges to pay.

Rs.	As.

NO M 1956.

Office Stamp

15 JUN

Handed in at (Office of Origin)	Date	Hour.	Minute.	Service Instructions.	Words
Oorgaum	15	17	20		X 30

Recd. here at 17 H. 29 M.

TO Deputy Mysore Govt Mysore

Attachment introduced unbearing hardships for labourers much discontentment Police impending pray Remove attachment

= Secretary Miners union G. Narayanswamy

N.B.—The name of the Sender, if telegraphed is written after the text.

Lal Chand & Sons, Printers, Calcutta—521R (B-1928)—31-5-40-500 Jw Pks.

D. Block Lane Door no 30
Marikuppam

Note.

From the wordings of the telegram it is not possible to find out what are exactly the difficulties or hardships which the judgment debtors in the Kolar Gold Fields are experiencing.

The position of the labourers and other employees regarding the liability to have their wages or salary attached in execution of a decree is as follows:-

Under Clause K of proviso to sub-section (1) of sec.60 provided that the wages of labourers and domestic servants ~~are~~ were not liable to attachment. The word 'labourer' was interpreted by Courts as not including 'skilled labourers'. In 1938, this clause was amended by adding the following:-

> "and salary, to the extent of the first fifty rupees and one half of the remainder of such salary", it was renumbered clause (h).

But the position of skilled labourers and employees other than labourers and domestic servants was still left uncertain. With a view to clear this doubt, the section was further amended in 1940 by omitting certain words in clause (h) so that it may be applicable only to labourers and domestic servants, and by adding another clause (ha) as follows:-

> "wages and salary of all employees other than labourers and domestic servants, to the extent of the first fifty rupees and one half the remainder of such salary".

Prior to the amendment of 1938, the exemption in respect of the salary attachment was restricted to the salary of a public officer or a servant of a Railway Company or

local authority and was only in respect of Rs.20/- when the salary did not exceed Rs.40/- and one moiety in any other case. But the amending Acts of 1938 and 1940, raised the limit of exemption, to the extent of the first fifty rupees and ~~xhe~~ one half of the remainder. The exemption was also made applicable to other employees (other than labourers and domestic servants) who were in receipt of a salary.

The benefits of these amended provisions were however restricted to proceedings arising out of suits instituted on and after 1st July 1938. Thus the position of the judgment debtors against whom the suits were filed or decrees obtained before 1st July 1938 remains unaffected and probably it is these people that have got a grievance.

The file relating to a discussion of some of the cognate questions is separately submitted today.

Hon
17.6.41.

12887

Kindly bring with a copy of the Complete Sec 60 as it stands now & explain.

was it or was it not-the intention Govt relief in all cases? Please ~~bring~~ bring up the L.C proceedings

Hon
19/6/41

7437 pks

No.C.C.27/40-41.
Encls. Two.

Office of the Deputy Commissioner,
Kolar District.
Dated, Kolar the 15th day of J u n e 1941

From

78711

S. Sundara Rao, Esq., B.A.,
Deputy Commissioner,
Kolar District.

To

V. Vedavyasacharya, Esq., B.A.,
Secretary to Government of Mysore,
Development Department, B a n g a l o r e.

DEVY. DEV. DEPT.
23 JUN. 1941
GOVT. OF MYSORE

2
5569

Sir,

I have the honour to forward herewith for information, -- a copy of D.O. letter dated 14th June 1941, together with a copy of its enclosure, received from the Special Super-intend t of Police, K.G.F.

I have the honour to be,
Sir,
Your most obedient servant,

S. Sundara Rao

DEPUTY COMMISSIONER AND
DISTRICT MAGISTRATE,
KOLAR DISTT.

For perusal.

Minister, Law) WC

23/6/41

24/6

Manager sent to Law Sec'y for putting up the Legislature file as Attachments, & a note

OFFICE OF THE MINISTER FOR LAW
JUN 24 1941
No. 13069

Urgent

vlm.4.

Sec'y, Law) WC

25/6/41

Your note already put up in the Leiture file is for perusal

Minister Law)

25/6/41

OFFICE OF THE MINISTER FOR LAW
JUN 27 1941
No. 13212

HIGH COURT OF MYSORE, BANGALORE.

(1) S. A. No. 54 of 1940-41.

Salem Komaravelu Vs. G. Gissulal.

(2) S. A. No. 85 of 1940-41.

Bangalore Rathnam Vs. Gajamull Chunnilal.

Joint Vakalat for Appellants.) L. S. Sundararaja Iyengar, M.A.B.L., Advocate, Balepet, Bangalore.
) K. Raja Gopal Rao, B. A. B. L., Advocate, Robertsonpet.

12/7/41

---oo---

IN THE COURT OF THE MUNSIFF AT KOLAR GOLD FIELDS.

DATED THE 12TH DAY OF MARCH 1940.

========

P R E S E N T:-

D. Srinivasachar, Esquire, B.A., B.L., Munsiff.

Execution Case No.6101 of 1938-39.

Decree Holder.	Judgment debtor
Gajmal Chunnilal by agent S.Venkatasubbaiah, Robertsonpet, Kolar Gold Fields.	1. G. Chinnappa. 2. Krishnapuram Chinnathayi, Champion Reefs.

Execution 6101 and 6110 of 38-39 and 918 and 2784 of 1939-1940.

O R D E R.

1. These are four execution cases in which the common point for consideration is whether the ~~the~~ earnings of labourers if the same is below Rs.50/- per month, is attachable or not in view of Act IV of 1940. It is not disputed nor even suggested that the judgment debtors in the above said cases are labourers.

2. According to Section 60 clause (k) of the Civil Procedure Code Act III of 1911 wages of labourers was not attachable at all irrespective of the amount. But according to the long standing practice of this Court a portion of those wages were being attached under Form 34 A (Civil) in pursuance of Order 21 Rule 46 Civil Procedure Code construing the accumulated unpaid wages at the end of each month as a debt in the hands of the employer due to the employee.

3. Under Act XIII of 1938 an altogether different clause was introduced in the place of clause (K) of Section 60 of Civil Procedure Code Act III of 1911. In Act XIII of 1938 attachment of the wages of labourers is provided in clause (h)

according to which the first fifty rupees and one half of the remainder of the earnings are exempt from attachment. In Section 3 of Act XIII of 1938 it has been provided that the above said provision in clause (h) shall not have retrospective effect in respect of any proceedings arising out of any suit instituted prior to 1-7-1938. Hence a portion of the earnings of labourers irrespective the amount of such earnings used to be attached in all execution cases arising out of suits instituted prior to 1-7-1938 till Act IV of 1940 came into force.

4. Act IV of 1940 further amends clause (h) of Act XIII of 1938 and introduces another clause (h)a. The object and reason for this amendment as given in the bill for amending the Civil Procedure Code in this respect is said to be to do away with all distinction between skilled and unskilled labourers. The bill contained one more section viz. Section (3) by which the proposed enactment was sought to be made applicable only to proceedings arising out of suits instituted subsequent to 1-7-1939. But the Select Committee which further considered the bill recommended the deletion of clause (3) altogether in order to give the benefit of the proposed amendment under the bill to all cases irrespective of their age. The legislature has accepted the said recommendation and we find the said Section 3 absent from Act IV of 1940. Under the said Act clauses (h) and (ha) form practically a single clause and it is clear beyond all doubts that the object of the legislature was to give the benefit of the amendments under Act IV of 1940 to all cases irrespective of their ages whether they related to skilled or unskilled labourers under clauses (h) and (ha).

5. I therefore hold that Act IV of 1940 applies to all cases irrespective of their ages, coming under clauses (h) and (ha) and that Section 3 of Act XIII of 1938 is not applicable to the above said clauses and cases falling under them. The above said four execution cases are accordingly dismissed. A ~~copy~~ copy of this order will be kept in the other three cases and

this order retained in the records of execution of 6101 of 38-39 pronounced in open Court.

Sd/- D. SRINIVASACHAR.

Munsiff.
12-3-40.

"True Copy"

Sd/- M.S. RAMASWAMY.

Head-Munshi.

IN THE COURT OF THE ADDITIONAL SUB-ORDINATE JUDGE AT KOLAR.

DATED THIS 28th DAY OF JUNE 1940.

P R E S E N T:-

S. Krishna Murti, Esq., B.A.,LL.B., Additional Sub-Ordinate Judge.

Regular Appeal No.81 of 1939-40.

Appellant.		Respondent.
Gajmal Chunnilal. (Decree Holder).	- vs -	Gudiyatham Chinnappa alias Chinnappaiyan. (Judgment-debtor).

I. This is an appeal preferred by the appellant against the order of the Munsiff of Kolar Gold Fields in execution No. 6101 of 38-39 passed on 12-3-1940 dismissing the execution petition.

II. The appeal was filed on 30-3-1940. Appellant was represented by Mr. T. Srinivasachar pleader and the respondent in person.

III. The appeal came on for arguments on 26-6-1940 and on 28-6-1940 the Court pronounced the following:-

O R D E R.

1. These three appeals are connected appeals arising out of three execution cases viz., Nos.2784, 6101 and 6110 of 38-39 on the file of the Munsiff of Kolar Gold Fields. The decree holders asked for attachment of the wages of the judgment-debtors in each case. Judgment-debtors are labourers working in the Mines and their earnings were admittedly below Rupees 50/- per month. The Court raised in each case the common question whether such earnings were attachable in view of Act IV of 1940 which introduced certain amendments in Section 60 of the Code of Civil Procedure (Act III of 1911).

2. The contention of the decree-holders was that since the decrees were obtained in suits filed prior to 1-7-1938, the earnings of the judgment-debtors were liable to attachment according to section 3 of Act XIII of 1938, which was the first act to introduce amendments in section 60 of Act III of 1911 with regard to exemption of earnings and salaries from attachment.

3. The learned Munsiff held that section 3 of Act XIII of 1938 was no longer in force, because it on a similar provision had not been enacted in Act IV of 1940 and dismissed the execution applications. The decree-holders have filed these appeals.

4. The first point urged on behalf of appellants was that the learned Munsiff was wrong in referring to the Draft Bill relating to Act IV of 1940, the opinions and recommendations of the Select Committee and the proceedings of the Legislature for drawing conclusions regarding the ommission in Act IV of 1940 of Section 3 of Act XIII of 1938, on a similar provision. This contention has to be upheld. It has been distinctly laid down by the Privy Council in the two cases reported in I. L. R 22 Calcutta 788 and 1017, that proceedings of the Legislature cannot be referred to as legitimate side to the construction of an Act.(See also I.L.R 22 Bombay 112). The same principle has been reiterated in A.I.R. 1933 Bombay 272 which says that proceedings in Council whilst a statute is being enacted are not relevant and cannot be looked at by the Court on the question of construction of an act. The learned Munsiff was therefore not right in taking into consideration that Section 3 of Act XIII of 1938 was found in the Draft Bill relating to Act IV of 1940, that it sought to make the amendment introduced by Section 2 of the Bill applicable only to proceedings arising out of suits instituted subsequent to 1-7-1939 and that the Select Committee recommended the deletion of that section. He was also not right in saying that the Select Committee recommended the deletion in order to give the benefit of the proposed amendment to all cases irrespective of

their age and that the legislature accepted the said recommendation with that purpose.

5. We have therefore to construe the provisions of Act XIII of 1938 and Act IV of 1940 by reading them side by side and without taking any extraneous matters into account, because their language is plain. After referring to the Privy Council decision in I.L.R. 22 Calcutta 788 Chitaley has pointed out on page 17 of his Civil Procedure Code, Volume I, that the said decision is in consonance with the principle that where the language is plain no extraneous matters should be taken into account in the interpretation of an Act. Section 2 of Act XIII of 1938 substituted fresh clauses for clauses 4 and (i) Sub-Section I (a) and clause k of Sub-Section 1(b) of Section 60 of the Code of Civil Procedure (Act III of 1911). The effect of the substituted section was to place judgment-debtors in a better position than before by exempting the entire earnings of labourers and domestic servants and salary of others to the extent of the first fifty rupees and one half of the remainder. Section 3 of Act XIII of 1938 was enacted for preventing the said alterations from affecting the rights of persons who had filed suits prior to 1-7-1938 and obtained decrees Act IV of 1940 does not at all propose to amend Act XIII of 1938. The preamble of Act IV of 1940 says that its purpose is to further amend Section 60 Sub-Section (1) of the Code of Civil Procedure (Act III of 1911). It makes clause (h) of the said section more favourable to judgment-debtors by exempting wages or salaries of all employees other than labourers and domestic servants to the extent of the first fifty rupees and one half of the remainder from attachment. We have therefore merely to read the changes introduced by section 2 of Act IV of 1940 into Section 60 Sub-clause (1) of Act III of 1911 as it stood after the amendments introduced by Act XIII of 1938. We have to note that Section 3 of Act XIII of 1938 was enacted to remove the hardship that would be caused to decree-holders who had already filed suits and

and obtained decrees. Many such decrees could be executed for at least 12 years from 1-7-1938. If the Legislature wanted to deprive them of the benefit conferred by that section, that section should have been repealed by Act IV of 1940. This has not been done. In omitting to enact a similar section in the latter Act, the Legislature might have thought that the protection given by Section 3 of the former Act (13 of 1938) was quite enough. Chitalay has pointed out on page 15 Volume I of his Civil Procedure Code, that it is also a recognised presumption that the Legislature does not intend to make any alteration beyond what it expressly declares. On page 12 Note 7 of the same treatise, it has been pointed out that a general provision must yield to a special provision provided for particular cases. That if the legislature makes a special Act dealing with a particular case and later makes a general Act which by its terms would include the subject of the special Act and is in conflict with the Special Act, nevertheless unless it is clear that in making the general Act the Legislature intended to abrogate the special Act, the provisions of the general Act do not over-ride the special Act and that there could be no repeal by implication of the special Act by the general Act if the two can be read together.

6. For all the foregoing reasons, I am of opinion that Act IV of 1940 cannot be said to have interfered in any way with the special rights conferred on the decree-holders by Section 3 of Act XIII of 1938. I, accordingly, hold that the earnings of the judgment-debtors in the cases under appeal are liable to attachment even though they may be less than Rupees 50/- per month, because the decrees were in suits filed prior to 1-7-1938. The learned Munsiff dismissed the execution applications, because his conclusion was that the said section did not apply and that the earnings of the judgment-debtors in these cases were exempt from attachment. Hence, the appeals are allowed with costs and the orders of dismissal

are set aside. The lower Court will be directed to restore the execution applications and to grant the prayers for attachment.

Dictated to the Steno-typist and pronounced in open Court on the 28th day of June 1940.

Sd/- S. KRISHNA MURTI.

Additional Sub-ordinate Judge.

"C o p y"

Sd/- S. KRISHNA MURTI.

Additional Sub-Ordinate Judge.

"True Copy"

By Order

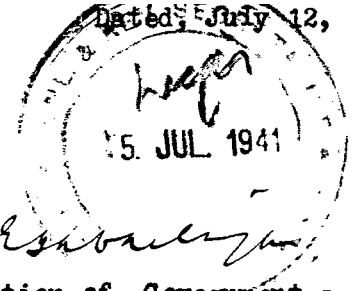
Sd/- G. RUDRAPPA.

Head Clerk.

D. O. No. 5/41-42/S.B.
Encls: 3.

E. G. B. PEEL, Esq., C.I.E.,
Inspector-General of Police
in Mysore.

Dated, July 12, 1941.



My dear Kesavaiengar,

I enlcose for the information of Government a copy of a report No. CC. 20/40-41 dated July 11, 1941, received from the Special Superintendent of Police, Kolar Gold Fields regarding the labour situation in Kolar Gold Fields.

Yours

Subd.

13.7.41

Law Secy

Law Secy (Shri) may be sent to Law Secy for perusal. Placed in C.P.C. Amendment file

13/7

13/7

15.7.41

RAJASEVAPRASAKTA
B. T. Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government
of Mysore, Bangalore.

15.7.41

Law Secy

15/7/41

Please keep These papers in the C.P.C. amendment file

16.7.41

410/15/7 Asst Secy (Legi)

N. PUTTARANGASWAMY, ESQ., B.Sc.,
Spl. Superintendent of Police.

Champion Reefs,
Dated 11th July 1941.

CC.20/40-41.

Dear Sir,

In continuation of my report of yesterday's date, regarding the labour situation at K.G.F I beg to report that yesterday evening at about 6-30 p.m. one Susinath Fitter No.5377, Nadesan No. 1889, Teaboy of Arumugam and Domodaran No.5390 Fitter, Engineering Gang are said to have met about 50 labourers at Ribeldales Block and were telling them that they were taking the leadership for collecting subscriptions and enrolling members for the Union. Of these three individuals Susinath is found to be most talkative and leader of the group. They did not however collect any subscriptions yesterday.

This morning at Mysore mine about 40 or 50 persons received their pay but later on the rest of the coolies that came again refused to take the pay. After 10 a.m. however all the coolies came there and received the pay and went back.

In Champion Reef mine the coolies came to the General Office, Champion Reef but did not receive their pay. They prevented the Scavangers, the Midwives paid by the Champion Reef mine and the Health Visitor from receiving their pay. Later at about 11 a.m. all the coolies of Champion Reef mine also came and received their pay.

In Nandydroog mine the coolies refused to receive their pay this morning on the score of Civil Court attachments. The Superintendent of the mine asked 12 of the coolies to interview him. Doreraj, Bellman of that mine was able to persudde the coolies not to interview the Superintendent for

a while. Then later Doreraj with the other coolies went and saw the Superintendent. The Superintendent of the mine explained to them that the Company were helpless in the matter as it was the Court Order and that the Company is doing everything to help the labourers in this matter and that they have also preferred an appeal in the High Court. The Superintendent also stated that if an individual was put to much hardship and inconvenience the Company would ~~give~~ advance some small amount in such cases. Then all the coolies were satisfied and they went and took their pay.

In Oorgaum the Contractors' coolies were paid to-day and there was no incident.

Narayanaswamy, School-Master of Harikuppam, Indraraj along with five or six other coolies of Mysore and Champion Reef mines came to the Government Guest House this morning with the idea of interviewing the Minister for Law with regard to the deduction in the pay of the coolies in pursuance of the order of the Munsiff's Court. As they found that the Law Minister had left for Bangalore they went and saw the Chief Inspector of mines and represented to him that Government must help the labourers in doing away with the attachments. The Chief Inspector of mines told them that the Government are doing their best in the matter and that they have to be patient and await the decision of the High Court where the appeal is pending. These persons also represented to the Chief Inspector of mines that the two women that had gone underground in the Champion Reef mine did not go voluntarily but that the Foreman and the Maistries took them underground

against their will. They also seem to have represented that the Government should punish these offenders instead of the Company authorities.

The labourers in all the four mines were attending to their work regularly and there are no other incidents.

Further developments are being watched and will be duly reported.

Yours sincerely,

SD/- N. PUTTARANGASWAMY,

NR/-

S. NARAYANA RAO, ESQ., M.A.,(Hon).,
Deputy Commissioner, Kolar District.

Copies in duplicate forwarded, with compliments, to the Superintendent of Police, Special Branch in Mysore, Bangalore.

Spl. Superintendent of Police,
Kolar Gold Fields.

D.O. letter dated 14-6-1941, from the Special Superintendent Police, K.G.F. to the Deputy Commissioner, Kolar District.

In continuation of my previous report, I beg to state that an anonymous letter in tamil is received from the Superintendent of Mysore Mine on the 11th instant mentioning therein that they have written to him previously asking him to advice one Adimoolam who reports to Martin and Division Inspector about their petty activities and getting them into trouble and that this is the las warning and if there is no improvement they will give him proper punishment. An English translation of the tamil letter is enclosed.

It is reported that the pay attachment warrants issu the Munsiff are being given effect to by the Mining Aut since 12-6-41 even in respect of those who earn less th per month as a result of which there has been general ment in all the four mines and groups of coolies are about it whenever and wherever they meet. It is al that some of the coolies in the Mysore and Champion Ree refused to take their pay on the 12th instant. One underground cooly whom the officials of pay office informed to go to the Superintendent for redress is said to have replied that within a course of 4 or 5 days the Mining officials would know how the mines would work. It is also reported that Bellam Dorairaj ha addressed Mr. P.R.K.Sharma about the pay attachme question. It is also learnt that the members of the Mining Board also represented to the Minister for Law and Order abt this attachment question at Mysore. Further developments are being watche

A tamil News Paper by name "K.G.F.Labour" is found with a boy in Mysore Mines on 12-6-41. It seem be a weekly pu cation on every Sunday and costs 6 pies ch. The paper deals with the following matters.- (1) Le rs' message (2) K.G.F. Labour Union Head Office News (3 Arrival of Srimathi Shanta (4) Our Duty (5) Representati q(6) Warning (7) Sri K. Lathan announcment (8) Mysore and C ion Strike (9) Changes in the State (10) Is he our representa (11) Leaders at Bangalore (12) Mysore Legislative assembly v) Chanda receipt.

/ceipt.

The paper contains 8 pages and is printed at the Nehru Press, Perambur and published by K.C. Phillips, General Secretary of the K.G.F. Union.

An English translation of the same will be prepared and submitted.

"Copy"

To

The Superintendent,

We have already written to you to advise the ass, Adimoolam who reports to Martin, and Division Inspector about our petty activities and puts us into trouble. In spite of this, even now he is doing the same thing. This is the last warning. In a week's time we are going to give him proper punishment.

Take notice of this. Do not forget.

Silly ass, Adimoolam, No.2183, timber mestri.

"Copy"
Sd. N. Puttarangaswamy,
Spl. Supdt. of Police, K.G.F.
"Copies"

Kolar.
15/6/1941.

DEPUTY COMMISSIONER, KOLAR DISTRICT.

vkm.3.

Tslegraphic Address :—
MINESPECTOR "

GOVERNMENT OF MYSORE.

DEPARTMENT OF MINES AND EXPLOSIVES.

No 67
Encl. 1

Dated Oorgaum, 5th July 1941.
(S. India).

DEVY. DEV. DEPT. 7. JUL. 1941 GOVT OF MYSORE

103

FROM

K. Duraiswamier, Esq., B.A., A.I.M.M.,
Chief Inspector of Mines and Explosives in Mysore.

To

V. Vedavyasacharya, Esq., B.A.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Development Department,
Bangalore.

Sir,

I have the honour to enclose, herewith, for information and orders of Government, a copy of an anonymous petition received this morning praying for the cancellation of all attachments in the wages of the labourers of the Kolar Gold Field and threatening a general strike if this cancession is not granted. The pay day comes off nex week and I understand from the Munsiff that the attachment lists for each Mine are being prepared and will be sent for execution on Monday the 7th inst. The number of persons whose wages will be attached this month is 198. The total amount involved will be known only when the attachments are executed.

For favour of perusal.

I have the honour to be,
Sir,
Your most obedient servant,

7/7/41

Chief Inspector of Mines &
Explosives in Mysore.

Minister, Law)

M.S.

Law Secy

8/7

Dewan)

To

The Chief Mining Inspector,
c/o Mining Superintendent.

Sir we the (4) mining pepoles beg to state at present that we are doing work without any rebellions. So now company only doing plan to make rebellions.

Because that we are working very hard job in underground and getting 9 as. or 10 annas per a day. So we maintaine at least 6 or 7 person in those small pay. Hence sometimes we getting any accident or fever or any disease by the time we want go to hoispital, if we go to hoispitol that time we loossing pay and suffering without food.

By the time we must borrow rupees 20 or 30 from sowcar maravadi. So we giving Rs.one hundred interest to sowcar maravadi for the 30 ruppes. and also if we fail to give the inters in month he sending attach to pay officer and catching attachment 9 - 10 rupees in pay. And then the sowcar getting monthly 300 rupee from us for 30 rupee.

And if we asked account at office Cleark they telling that account not here go and see at sowcar and if we ask sowcar he telling go and ask in court, if ask in court then the munisip giving order to cleark to see account. By the time that sowcar come at once giving bribe to the cleark. then they never say the account. So we was suffering for the lost two years by the attachment. Thereby elders and company take so much trouble stop the attachment. So from that day we are was living without any difficulties.

And

And also we are working 25000 thousand pepoles in the mining so the company and Government getting much profit by the 25000 pepoles. And also sometimes we are loosing life and eyes and leg and hand in underground and doing such a hard work to company. And also so many pepoles come and joint in army and fighting with our enemy and so many pepoles loosing life for our own Kingdom. And also us wife and mother and daughters working at masteres. So the sowcar maravadi cont do such a heard work. And the sowcar cont come to army to fight with our enemy, hence no any single profit by the sowcar. Thereby we asking what is profit giving such a trouble to us and doing help to the sowcar maravadi.

Sometimes we are telling that sowcar can do only one help to company that he can give money to warr.

So we getting only wadses from 9 as up to 5 rupee. So take one day pay on each nember per a month collect oll the money give to our Kingdom untill finish the warr.

It will be neartly 40000 rupees per a month.

So we request to company and Government do not allow for the attachment. So we have informed to mining inspector and mining Superintendent before catch attachment.

And any attachment in this month we are readdy to stoke six months. And also sowcar maravadi certainly will be murder.

And after mining inspector nor Superintendent dont be sorry of this matter.

And also if company like to catch attachment then company must call sowcar and let him do work in underground and that sowcar only must joint with army.

So we are telling certainly must cancell the attachment.

Mining inspector must keep a meeting at any mines on any shaft as soon as received the application.

Exact
"Copy"

Chief Inspector of Mines &
Explosives in Mysore.
5/7/1941.

D.S.R.

Telegraphic Address:—
"MINESPECTOR"

DEPARTMENT OF MINES AND EXPLOSIVES.

D.O. No. 82
Enclo: 3.

Dated Oorgaum, 7th July 1941.
(S. India).

Dear Sir,

I beg to submit herewith copies of the Orders of the Munsiff, Kolar Gold Field, the Additional Subordinate Judge, Kolar and the High Court of Mysore, in the matter of attachment of wages of labourers on the Kolar Gold Field.

Yours sincerely,
K. Venkateswamier

Rajasevaprasakta
A.V.Ramanathan, Esq., B.A.,
Minister for Law,
Bangalore.

Law Sec'y with Compliments
Rep 8/7
Hum 2 8/7/41

7th July 1881.

Dear Sir,

I beg to submit herewith copies of the Orders of the Tuesday, Kolar Gold Field, the ... ... subordinate Judge, Kolar and the High Court of Judicature, in the matter of attachment of wages of Labourers on the Kolar Gold Field.

Yours obediently,

Registrar/Translator
H.V. Cunningham, Esq.,
Minister for Law,
Bangalore.

IN THE COURT OF THE MUNSIFF AT KOLAR GOLD FIELD.

Dated the 12th day of March 1940.

Present

D. Srinivasachar, Esq., B.A., B.L.,
Munsiff.

Ex. No.6101/38-39.

DECREE-HOLDER.	V.	JUDGMENT-DEBTOR.
Gajmal Chunnilal by Agent S.Venkatasubbiah, Robertsonpet.		1. G.Chinnappa 2. Krishnapuram Chinnathayee Champion Ree

Ex.6101 and 6110 of 38-39 and 918 and 2784 of 39-40.

O R D E R.

1. These are four execution cases in which the common point for consideration is whether the earnings of labourers if the same is below Rs.50 per month, is attachable or not in view of Act IV of 1940. It is not disputed nor even suggested that the Judgment debtors in the abovesaid cases are labourers.

2. According to Section 60 clause (k) of the Civil Procedure Code Act III of 1911 wages of labourers was not attachable at all irrespective of the amount. But according to the long-standing practice of this court a portion of those wages were being attached under Form 34A (civil) in pursuance of 021 and 46 C.P.C. construing the accumulated unpaid wages at the end of each month as a debt in the hands of th

employer due to the employee.

3. Under Act XIII of 1938 an altogether different clause was introduced in the place of clause (1c) of Section 60 of C.P.C. Act III of 1911. In Act XIII of 1938 attachment of the wages of labourers is provided in clause (h) according to which the first fifty rupees and one half of the remainder of the earnings are exempt from attachment. In Section 3 of Act XIII of 1938 it has been provided that the abovesaid provision in clause (h) shall not have retrospective effect in respect of any proceedings arising out of any suit instituted prior to 1-7-1938. Hence a portion of the earnings of labourers irrespective the amount of such earnings used to be attached in all execution cases arising out of suits instituted prior to 1-7-1938 till Act IV of 1940 came into force.

4. Act IV of 1940 further amends clause (h) of Act XIII of 1938 and introduces another clause (ha). The object and reason for this amendment as given in the bill for amending the civil procedure code in this respect, is said to be to do away with all distinction between skilled and unskilled labourers. The bill contained one more section viz. Section (3) by which the proposed anactment was sought to be made applicable only to proceedings arising out of suits instituted subsequent to 1-7-1939. But the Select Committee which further considered the bill recommended the deletion of clause (3) altogether in order to give the benefit of the proposed amendment under the bill to all cases irrespective of their age. The legislature has accepted the said recommendation and we find the said Section 3 absent from Act IV of 1940. Under the said Act clauses (h) and (ha) from practically a single clause and it is clear beyond all doubts that the object of the legislature was to give the benefit of the amendments under Act IV of 1940 to all cases irrespective of their ages whether they related to

skilled skilled

skilled or unskilled labourers under clauses (h) and (ha).

5. I therefore hold that Act IV of 1940 applies to all cases irrespective of their ages, coming under clauses (h) and (ha) and that Section 3 of Act XIII of 1938 is not applicable to the above-said clauses and cases falling under them. The above said four execution cases are accordingly dismissed. A copy of this order will be kept in the other three cases and this order retained in the records of Ex.6101 of 38-39.

Pronounced in open Court.

Sd. D. Srinivasachar,

D.S.R. 12/3/40.

"Copy"

CHIEF INSPECTOR OF MINES & EXPLOSIVES IN MYSORE.

7-7-41

IN THE COURT OF THE ADDITIONAL SUBORDINATE JUDGE AT KOLAR.

Dated this 28th day of June 1940.

Present.

S. Krishna Murthi, Esq., B.A., LL.B.,
Additional Subordinate Judge.

Regular Appeal No.81 of 1939-40.

Appellant:	Vs.	Respondent.
Gajmal Chunnilal (Decree-holder)		Gudiyatham Chinnappa alias Chinnapian. (Judgment-debtor).

1. This is an appeal preferred by the appellant against the order of the Munsiff of Kolar Gold Fields in Execution No.6101 9-38-39 passed on 12-3-1940 dismissing the Execution Petition.

2. The appeal was filed on 30-3-1940. Appellant was represented by Mr. T. Srinivasachar Pleader and the respondent in person.

3. The appeal came on for arguments on 26-6-1940 and on 28-6-1940 the Court pronounced the following:.

ORDER.

1. These three appeals are connected appeals arising out of three execution cases viz., Nos.2784, 6101 and 6110 of 38-39 on the file of the Munsiff of Kolar Gold Field. The decree holders asked for attachment of the wages of the judgment debtors in each case. Judgment-debtors are labourers working in the mines and their earnings were admittedly below Rs.50/- per month. The court raised in each case the common question whether such earnings were

~~that~~

attachable in view of Act IV of 1940 which introduced certain amendments in Section 60 of the Code of Civil Procedure (Act III of 1911).

2. The contention of the decree-holders was that since the decrees were obtained in suits filed prior to 1-7-1938, the earnings of the judgment debtors were liable to attachment according to Section 3 of Act XIII of 1938, which was the first act to introduce amendments in Section 60 of Act III of 1911 with regard to exemption of earnings and salaries from attachment.

3. The learned Munsiff held that Section 3 of Act XIII of 1938 was no longer in force, because it or a similar provision had not been enacted in Act IV of 1940 and dismissed the execution applications. The decree-holders have filed these appeals.

4. The first point urged on behalf of appellants was that the learned Munsiff was wrong in referring to the Draft Bill relating to Act IV of 1940, the opinions and recommendations of the Select Committee and the proceedings of the Legislature for drawing conclusions regarding the omission in Act IV of 1940 of Section 3 of Act XIII of 1938, or a similar provision. This contention has to be upheld. It has been distinctly laid down by the Privy Council in the two cases reported in I.L.R. 22 Calcutta 788 and 1017, that proceedings of the Legislature cannot be referred to as legitimate side to the construction of an act. (see also I.L.R.22 Bombay 112). The same principle has been reiterated in A.I.R.1933 Bombay 272 which says that proceedings in Council whilst a statute is being enacted are not relevant and cannot be looked at by the court on the question of construction of an act. The learned Munsiff was therefore not right in taking into consideration that

Section 3 of Act XIII of 1938 was found in the draft Bill relating to Act IV of 1940, that it sought to make the amendments introduced by Section 2 of the Bill applicable only to proceedings arising out of suits instituted subsequent to 1-7-1939 and that the Select Committee recommended the deletion of that section. He was also not right in saying that the Select Committee recommended the deletion in order to give the benefit of the proposed amendment to all cases irrespective of their age and that the legislature accepted the said recommendation with that purpose.

5. We have therefore to construe the provisions of Act XIII of 1938 and Act IV of 1940 by reading them side by side and without taking any extraneous matters into account, because their language is plain. After referring to the Privy Council decision in I.L.R.22 Calcutta 788 Chitaley has pointed out on page 17 of his Civil Procedure Code, Volume I, that the said decision is in consonance with the principle that where the language is plain no extraneous matters should be taken into account in the interpretation of an Act. Section 2 of Act XIII of 1938 substituted fresh clauses for clauses H and (i) sub section 60 of the Code of Civil Procedure (Act III of 1911 1(a) and clause K of sub section 1(b) of The effect of the substituted sections was to place judgment debtors in a better position than before by exempting the entire earnings of labourers and domestic servants and ~~salary of others to the extent of the first sakart if itgers ti tge extebt if tge furet~~ fifty rupees and one half of the remainder. Section 3 of Act XIII of 1938 was enacted for preventing the said alterations from affecting the rights of persons who had filed suits prior to 1-7-1938 and obtained decrees. Act IV of 1940 does not at all propose to amend Act XIII of 1938. The preamble of Act IV of 1940 says that its purpose is to further amend Section 60 Sub Section (1) of the code of Civil Procedure

(Act III of 1911). It makes Clause (h) of the said section more favourable to judgment-debtors by exempting wages or salaries of all employees other than labourers and domestic servants to the extent of the first fifty rupees and one half of the remainder from attachment. We have therefore merely to read the changes introduced by Section 2 of Act IV of 1940 into Section 60 Sub Clause (1) of Act II of 1911 as it stood after the amendments introduced by Act XIII of 1938. We have to note that Section 3 of Act XIII of 1938 was enacted to remove the hardship that would be caused to decree-holders who had already filed suits and obtained decrees. Many such decrees could be executed for atleast 12 years from 1-7-1938. If the Legislature wanted to deprive them of the benefit conferred by that Section, that Section should have been repealed by Act IV of 1940. This has not been done. In omitting to enact a similar section in the latter Act, the Legislature might have thought that the protection given by section 3 of the former Act (13 of 1938) was quite enough. Chitaley has pointed out on page 15 volume 1 of his Civil Procedure Code, that it is also a recognised presumption that the Legislature does not intend to make any alteration beyond what it expressly declares. On page 12 Note 7 of the same treatise, it has been pointed out that a general provision must yield to a special provision provide for particular cases. That if the legislature makes a special Act dealing with a particular case and later makes a general Act which by its terms would include the subject of the Special Act and is in conflict with the special Act, neverthless, unless it is clear that in making the General Act the Legislature intended to abrogate the Special Act, the provisions of the General Act do not over-ride the special Act and that there could be no repeal by implication of the Special Act by the General Act if the two can be read together.

6. For all the foregoing reasons. I am of opinion that Act IV of 1940 cannot be said to have interfered in any way with the Specal rights conferred on the decree holders by Section 3 of Act XIII of 1938. I, accordingly, hold that the earnings of the Judgment

debtors in the cases under appeal are liable to attachment even though they may be less than Rs.50/- per month, because the decrees were in suits filed prior to 1-7-1938. The Learned Munsiff dismissed the execution applications, because his conclusion was that the said section did not apply and that the earnings of the judgment-debtors in these cases were exemp from attachment. Hence, the appeals are allowed with costs and the orders of dismissal are set aside. The lower court will be directed to restore the execution applications and to grant the prayers for attachment.

Dictated to the Steno-typist and pronounced in open court on the 28th day of June 1940.

Sd. S. Krishna Murti,

Additional Subordinate Judge.

D.S.R.

"Copy"

CHIEF INSPECTOR OF MINES & EXPLOSIVES IN MYSORE.

7.7.41

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Monday, the 31st day of March 1941.

Before

Adul-Ul-Mulk

Mr. Justice C.Abdul Ghani.

CIVIL REVISION PETITIONS Nos.195,196,197,198, 199,200, 201, 203, 208 and 209 of 1940-41.

In C.R.P.195 of 40-41.

S. Himathmul	Plaintiff (Decree-holder)	PETITIONER.
	Vs.	
Annamale	Defendant (Judgment-debtor)	RESPONDENT.

Civil Revision Petition against the order dated the 24th of September 1940 passed by the Munsiff of Kolar Gold Fields in Execution Case No. 516 of 40-41.

In C.R.P.196/40-41.

S. Himathmul	Plaintiff (Decree-holder)	PETITIONER.
	Vs.	
V. Aryan alias Jurmi.	Defendant (Judgment-debtor)	RESPONDENT.

Civil Revision Petition against the order dated the 24th of September 1940 passed by the Munsiff of Kolar Gold Fields in Execution case No. 583 of 40-41.

In C.R.P.197 of 40-41.

S. Himathmul	Plaintiff (Decree-holder).	PETITIONER.
	Vs.	
Kolandavelu	Defendant (Judgment-debtor)	RESPONDENT.

Civil Revision Petition against the order dated the 24th of September 1940 passed by the Munsiff of Kolar Gold Fields in Execution Case No.582 of 40-41.

In C.R.P.198 of 40-41.

S. Himathmul	Plaintiff (Decree-holder).	PETITIONER.
	Vs.	
Chinna thambi	Defendant (Judgment-debtor.)	RESPONDENT.

Civil Revision Petition against the order dated the 24th of September 1940 passed by the Munsiff of Kolar Gold Fields in Execution Case No.580 of 1940-41.

In C.R.P.199 of 40-41.

S. Himathmull	Plaintiff (Decree-holder)	PETITIONER.
	Vs.	
Monlandavel	Defendant (Judgment-debtor)	RESPONDENT.

Civil Revision Petition against the order dated the 24th of September 1940 passed by the Munsiff of Kolar Gold Fields in Execution Case No.581 of 40-41.

In C.R.P.200 of 40-41.

S. Himathmull	Plaintiff (Decree-holder)	PETITIONER.
	Vs.	
K. Munikrishnan	Defendant (Judgment-debtor)	RESPONDENT.

Civil

Civil Revision Petition against the ofder dated the 24th of September 1940 passed by the Munsiff of Kolar Gold Fields in Execution Case No.609 of 1940-41.

In C.R.P.201 of 40-41.

S. Himathmull	Plaintiff (Decree-holder)	PETITIONER
	Vs.	
S.Palyam	Defendant (Judgment-debtor)	RESPONDENT.

Civil Revision Petition against the order dated the 24th of September 1940 passed by the Munsiff of Kolar Gold Fields in Execution Case No.517 of 1940-41-

In C.R.P.203 of 40-41.

S. Himathmull	Plaintiff (Decreeholder)	PETITIONER.
	Vs.	
Gudivatham Gopal	Defendant (Judgment -debtor)	RESPONDENT.

Civil Revision Petition against the order dated the 24th of September 1940 passed by the Munsiff of Kolar Gold Fields in Execution Case No.610 of 1940-41.

In C.R.P.208 of 40-41.

G. Gissoolal by Agent K.T.Krishna Iyengar	Plaintiff (Decree-holder)	PETITIONER.
	Vs.	
B. Samivelu	Defendant (Judgment-debtor)	RESPONDENT.

Civil Revision Petition against the order dated the 24th of September 1940 passed by the Munsiff of Kolar Gold Fields in Execution Case No.272 of 1940-41.

IN C.R.P. 209 of 40-41.

G. Gissoolal By agent K.T. Krishna Iyengar.	Plaintiff (Decree-holder	PETITIONER.
	Vs.	
Perumal alias M. Perumal.	Defendant (Judgment-debtor)	RESPONDENT.

Civil Revision Petition against the order dated the 24th of September 1940 passed by the Munsiff of Kolar Gold Fields in Execution Case No.269 of 1940-41.

These Revision Petitions coming on for hearing on Monday, the 17th day of March 1941, the Court made the follwing:-

ORDER.

In all the cases to which these revision petitions relate, the Decree-holders had applied in execution for attachment of the salary of the Judgment-debtors. The learned Munsiff of Kolar Gold Fields has dismissed the execution applications on the ground that the salary being less than Rs.50/- a month is exempt from attachment after Act IV of 1940. In cases pertaining to Nos.195. 201, 208 and 209 the reason given is that the prior execution petitions having been dismissed on the same ground on which the other petitions are now dismissed and the decree-holders not having appealed, or taken the matter up in revision, there is a bar of res judicata; and the applications are not maintainable. Act IV of 1940, no doubt, exempts from attachment wages and salary of all employees other than labourers and domestric servants to the extent of Rs.50/- and one half of the remainder of such salary. But in this connection one has to take Section 60 of the Code of Civil Procedure as it stood after the amendment in Act XIII of 1938 and before Act IV of 1940. By the earlier Act, salary to the extent of Rs.50/- was exempted from attachment; but the exemption had no effect in respect of proceedings arising out of any suit instituted before the 1st of

July

July 1938. By the Act of 1940 something was added to Clause (h) of Section 60 of the Code of Civil Procedure and some amendments were made in the Explanations. We are only concerned with the amendment of Clause (h) which exempted wages and salary in the manner aforesaid. Now, if the amendments of Act IV of 1940 are incorporated in Section 60 as it existed at the time it will be found that the exemptions in Clause (h) would be affected by the restriction on the retrospective effect placed by Section 3 of Act XIII of 1938, with the result that the exemption would not affect any proceedings arising out of any suit instituted before the 1st of July 1938. A very ingenious argument was advanced by Mr.L.S Sundararaja Iyengar that the restriction in Section 3 of Act XIII of 1938 must be read as being confined to the amendments made in Clause (h) in the year 1938 and should not be extended to the exemptions made in Act IV of 1940. Both the Acts contemplated amendment of Section 60 of the Code of Civil Procedure. Whenever an amendment is made by any Act and the amendment is incorporated in the section, the law for the time being would be the section as amended. If this method is followed, the result that I have already indicated necessarily ensues and any proceedings arising out of suits instituted before July 1938 will not be affected by the exemption, whether made in the year 1938 or in the year 1940. Even assuming that the Act of 1938 is considered in conjunction with the Act of 1940 as distinct entities, the exemption in respect of salaries

had already been made in the year 1938. The Act of 1940 merely added wages to salary in the matter of the [illegible] so, when attachment of salary is asked for, as is the case in all the execution applications pertaining to these revision petitions, the restriction placed on the exemption, in so far as the proceedings before July 1938 are concerned, must apply the in respect of wages the matter may be different. This result is arrived at even on the construction sought to be put on the two Acts by Mr. Sundararaja Iyengar-- a construction which does not appeal to me as the section after each amendment must be looked into as embodying the law governing a case. If the amendments in both the Acts are carried out in Section 60, the result that I have indicated will necessarily follow. viz. the exemption will have no retrospective effect beyond July 1938.

The learned Munsiff of Kolar Gold Fields appears to have assigned a reason for getting over this difficulty-- a reason which does not appeal to me. The order in which ~~does not appear~~ the reason is given is not before me; But I am told that the reasoning employed is that the Legislature actually intended the exemption to be retrospective so as to affect all cases of wages and salaries whether the proceeding or decree in which attachment is asked for pertains to a period after July 1938 or prior to it. The learned Munsiff has looked into the discussions of the Legislative Council and the opinion of the Select Committee to arrive at the conclusion that the intention of the Legislature was to make the exemption retrospective without any restriction. It appears he has also referred to another Clause

in the bill (which led to Act IV of 1940) which wanted to confine the retrospective effect of exemption to cases arising after July 1939. The Select Committee, it appears, deleted that clause with the object of making the exemption universal without any restriction of time. The learned Munsiff's view is based on these considerations. This is not the way, however, of construing an enactment. Prodeedings of Legislature are excluded in constructing a statute. It is the final finished product as it is promulgated in the form of a statute that is the law to be administered and not what transpired before that stage in the Legislature and ~~xxxxxx~~ before the Select Committee. Their Lordships of the Privy Council laid this down in Administrator-General of Bengal V. Premlal Mullick, 22 Calcutta 788. In the same volume there is another case at page 1017-- Queen Empress V. Sri Churn Chungo-- which lays down that proceedings of the Legislature cannot be referred to ~~as~~ as legitimate aids to the construction of an Act. In Mysore the same view is taken in Nagamma V. Puttanarasappa, 44 Mysore Chief Court Reports 392. As to the intention of the Legislature the same ruling of the Mysore High Court makes it clear that the term is a slippery one and can only be legitimately ascertained from that which it has chosen to enact, either in express words or by reasonable and necessary implication. Courts should attempt to avoid attributing carelessness and negligent omission to the legislature, unless it is entirely

impossible

impossible to give a reasonable meaning to the provision made by the Legislature on any other assumption. See District Board, Hassan V. Devayya, 42 Mysore High Court Reports 507. Now, even assuming that there was discussion in the Legislative Council about making an exemption from attachment retrospective without any limitation and that the Select Committee with that view deleted a clause in ~~that~~ the Bill which tried to restrict the operation of the exemption to periods after July 1938, yet a Court when interpreting Section 60, as it stands, cannot be guided by these considerations. The Select Committee might have thought that exemption should be universal and the trend of the discussion in the Legislative Council might have been the same. But the Courts can only interpret the law as it stands after the amendments in the Act of 1940. There is no ambiguity at all when we consider the question in this aspect; and so long as the restriction imposed by Act XIII of 1938 is not removed from Section 60 by any further enactment, what was done by the Legislative Council and the Select Committee during the discussion stage of the Bill cannot alter the law as it stands. Until the restriction imposed in 1938 by Act XIII is removed by legislation, Courts will have to permit attachment of salary even when it does not exceed Rs.50/- so long as the suit is prior to July 1938. In the cases that are under consideration, not only t suit but the decree in each case were prior to July 1938.

In respect of Revision Petitions 195, 201, 208 and 209 the ground of res judicata on which they have been dismissed by the learned Munsiff has to be considered, because the points till now discussed would be of no avail in these petitions, if actually there is a bar of res judicata. In respect of executions pertaining to these petitions, attachments have ~~restriction of time. The learned Munsiff's view is based on these considerations.~~

Thi

doubt been asked for in previous execution plications which have been dismissed on the ound that the salary was exempt under the Act 1940. It turns out, however, that the previous applications were dismissed on the ground alleged without objections being heard and without hearing the parties, and suo motu in -- chambers. Such a disposal of the applications does not operate as res judicata in respect of a later execution petition pertaining to the same decree. Moreover, their Lordships of the Privy Council have laid down in Broken Hill Municipal Council, 1926 A.C.94, that an interpretation of a Statute for valuation of a mine in one year is not res-judicata when valuation of the same mine is in question for another year. In this case, if attachment of salary for a particular month was vetoed, a fresh application for attachment of the salary for the next month will have to stand on the same footing as the case of the Privy Council just now referred to. On that ground the order of the learned Munsiff in respect of these petitions is not tenable.

In the result, all the revision petitions are allowed. The order of the learned Munsiff in respect of each of them is set aside. Attachment of salary is asked for and not wages to keep it out of the operation of Act XIII of 1938. Salary would be attachable in each case, because the suits and decrees in the execution of which the attachment is asked for were all prior to July 1938. I order no costs for the reason that in most of the cases the Respondents were ---

unrepresented

unrepresented and in two of them Mr. L.S. Sundararaja Iyengar gave the benefit of his arguments as amcus curie

Sd. C. Abdul Ghani,

Judge.

31-3-41.

"Copy"

Sd. x x

By Registrar.

"Copy"

CHIEF INSPECTOR OF MINES & EXPLOSIVES IN MYSORE.

2.7.41

NOTIFICATION.

No. Rl. 915, *dated Bangalore,*
the 8—11*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying bill to amend the Code of Civil Procedure (Amendment) Act, 1938, together with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

BILL TO AMEND THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1938 (XIII OF 1938).

Statement of Objects and Reasons.

In 1938, section 60 of the Code of Civil Procedure, 1911, was amended by Act XIII of 1938. Under the amendment, salary up to and inclusive of Rs. 50 and one half of the remainder of salary has been declared to be exempt from attachment and sale in the execution of decrees. By section 3 of the amending Act, it was provided that the amendments made by the Act should have effect only in respect of proceedings arising out of suits instituted after 1st July 1938.

In the actual working of section 60 as amended, certain difficulties in the interpretation and working of it came to light. The expression "labourer" was not clear and doubts arose whether it included skilled workmen also. The word 'salary' was not free from doubt and the question arose whether it included remuneration fixed on other than a monthly basis. With a view to a clear elucidation of the points mentioned above, another Bill was brought forward in 1939. Clause 3 of this Bill as first introduced, provided that the amendments sought to be made should not have effect in respect of proceedings

arising out of any suit instituted before 1st July 1939. This clause was omitted on the recommendation of the Select Committee appointed by the Legislative Council to consider that Bill. That Bill became law in 1940 as Act IV of 1940.

It was expected that the amendments to the Code of Civil Procedure would apply irrespective of the date of the filing of the suit from which the proceedings arose.

Representations have been made by the Kolar Gold Field Mining Board as well as by the labourers in that area that the spirit of the amendments and the undoubted intentions of the Government have not been effectively secured. It has been held that the alterations made by the Act of 1940 are in respect of the provisions of section 60 which had already been amended by the Act of 1938, and that section 3 of the latter Act precludes relief from being given in respect of proceedings arising out of suits instituted prior to 1st July 1938.

The High Court has observed on a revision petition that, "until the restriction imposed in 1938 by Act XIII is removed by legislation, courts will have to permit attachment of salaries even when they do not exceed Rs. 50 so long as it (the suit) is prior to July 1938."

The omission of section 3 of Act XIII of 1938 has therefore become necessary if relief is to be given according to the undoubted and expressed intentions of the Government and of the Legislature.

As the matter was urgent, an Emergency Act was passed in August this year. The present Bill is intended to make this amendment permanent.

A Bill to Amend the Code of Civil Procedure (Amendment) Act, 1938 (XIII of 1938).

WHEREAS it is expedient to amend the Code of Civil Procedure (amendment) Act, 1938 (XIII of 1938) for the purpose hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called an Act to amend the Code of Civil Procedure (amendment) Act, 1938.

Omission of section 3, Act XIII of 1938.

2. Section 3 of the Code of Civil Procedure (amendment) Act, 1938, shall be omitted.

Repeal.

3. The Emergency Act to amend the Code of Civil Procedure (amendment) Act, 1938, is hereby repealed.

Printed by the Superintendent at the Government Press, Bangalore

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

No. 915 RL — Dated, Bangalore, 11.11. 194/.

6 copies

N o t i f i c a t i o n.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the gazette of the accompanying Bill to amend the Code of Civil Procedure (Amendment) Act, 1938. ~~Bill~~, together with the statement of objects and reasons.

By Order,

Secretary to Government,
Law Department.

10/11/41

The Compiler, Mysore Gazette, for publication in Part IV of the gazette and supply of 350 copies to the Secretariat.

Memo No. 916 RL — Dated, Bangalore, 11th November 1941.

Copy of the above is forwarded with compliments to the Secretary, Legislative Council, for information.

By Order,

For Secretary to Government,
Law Department.

10/11/41

Bs.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 915 RL — 6n are

General and Revenue Secretariat,

Dated Bangalore, 6th November 1941.

NOTIFICATION. 1/

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the gazette of the accompanying Bill to amend the Code of Civil Procedure (Amendment) Act, 1938, ~~Bill,~~ together with the statement of objects and reasons.

By order,

Sd. H.V. Narayana Rao

Secretary to Government,
Law Department.

The Compiler, Mysore Gazette, for publication in Part IV of the gazette and supply of 350 copies to the Secretariat.

Memo No. 916 2/ Dated, Bangalore, 6th November 1941.

Copy of the above is forwarded with compliments to the Secretary, Legislative Council, for information.

By Order,

For Venkataramaiah

For Secretary to Government,
Law Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 915 RL — General and Revenue Secretariat,

Dated Bangalore, 8th November 1941.

NOTIFICATION.

Under the provisions of rule 30 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the gazette of the accompanying Bill to amend the Code of Civil Procedure (Amendment) Act, 1938, together with the statement of objects and reasons.

By order,

Sd. M.V. Varavara

Secretary to Government,
Law Department.

The Compiler, Mysore Gazette, for publication in Part IV of the gazette and supply of 300 copies to the Secretariat.

Memo No. 916 RL Dated, Bangalore, 8th November 1941.

Copy of the above is forwarded with compliments to the Secretary, Legislative Council, for information.

By Order,

Sd/- Venkatarama Rao

For Secretary to Government,
Law Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. ....G.I.S.R.L.— General and Revenue Secretariat,

Dated Bangalore, 8th November 1938.

NOTIFICATION.

Under the provisions of rule 18 of the Mysore Legislative Rules, 1924, the Government are pleased to order the publication in the gazette of the accompanying Bill to amend the Code of Civil Procedure (Amendment) Act, 1938, together with the statement of objects and reasons.

By Order,

for Secretary to Government,
Legislative Department.

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and supply of 500 copies to the Secretariat.

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arising out of any suit instituted before 1st July 1939. This clause was omitted on the recommendation of the Select Committee appointed by the Legislative Council to consider that Bill. That Bill became law in 1940 as Act IV of 1940.

It was expected that the amendments to the Code of Civil Procedure would apply irrespective of the date of the filing of the suit from which the proceedings arose.

Representations have been made by the Kolar Gold Field Mining Board as well as by the labourers in that area that the spirit of the amendments and the undoubted intentions of the Government have not been effectively secured. It has been held that the alterations made by the Act of 1940 are in respect of the provisions of section 60 which had already been amended by the Act of 1938, and that section 3 of the latter Act precludes relief from being given in respect of proceedings arising out of suits instituted prior to 1st July 1938.

The High Court has observed on a revision petition that, "until the restriction imposed in 1938 by Act XIII is removed by legislation, courts will have to permit attachment of salaries even when they do not exceed Rs. 50 so long as it (the suit) is prior to July 1938."

The omission of section 3 of Act XIII of 1938 has therefore become necessary if relief is to be given according to the undoubted and expressed intentions of the Government and of the Legislature.

As the matter was urgent, an Emergency Act was passed in August this year. The present Bill is intended to make this amendment permanent.

A Bill to Amend the Code of Civil Procedure (Amendment) Act, 1938 (XIII of 1938).

WHEREAS it is expedient to amend the Code of Civil Procedure (amendment) Act, 1938 (XIII of 1938) for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title

1. This Act may be called an Act to amend the Code of Civil Procedure (amendment) Act, 1938.

Omission of section 3, Act XIII of 1938.

2. Section 3 of the Code of Civil Procedure (amendment) Act, 1938, shall be omitted.

Repeal.

3. The Emergency Act to amend the Code of Civil Procedure (amendment) Act, 1938, is hereby repealed.

~~Printed by the Superintendent at the Government Press, Bangalore.~~

Bill as passed by the Legislative Council

D. H. Chandrasekharaiya
President
26/12/41
Legislative Council

NOTIFICATION.

No. Rl. 915, *dated Bangalore, the* 8—11*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying bill to amend the Code of Civil Procedure (Amendment) Act, 1938, together with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

BILL TO AMEND THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1938 (XIII OF 1938).

Statement of Objects and Reasons.

In 1938, section 60 of the Code of Civil Procedure, 1911, was amended by Act XIII of 1938. Under the amendment, salary up to and inclusive of Rs. 50 and one half of the remainder of salary has been declared to be exempt from attachment and sale in the execution of decrees. By section 3 of the amending Act, it was provided that the amendments made by the Act should have effect only in respect of proceedings arising out of suits instituted after 1st July 1938.

In the actual working of section 60 as amended, certain difficulties in the interpretation and working of it came to light. The expression "labourer" was not clear and doubts arose whether it included skilled workmen also. The word 'salary' was not free from doubt and the question arose whether it included remuneration fixed on other than a monthly basis. With a view to a clear elucidation of the points mentioned above, another Bill was brought forward in 1939. Clause 3 of this Bill as first introduced, provided that the amendments sought to be made should not have effect in respect of proceedings

Leg 34-41-1

NOTIFICATION.

No. Rl. 915, *dated Bangalore,*
the 8—11*th November* 1941.

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying bill to amend the Code of Civil Procedure (Amendment) Act, 1938, together with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

BILL TO AMEND THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 1938 (XIII OF 1938).

Statement of Objects and Reasons.

In 1938, section 60 of the Code of Civil Procedure, 1911, was amended by Act XIII of 1938. Under the amendment, salary up to and inclusive of Rs. 50 and one half of the remainder of salary has been declared to be exempt from attachment and sale in the execution of decrees. By section 3 of the amending Act, it was provided that the amendments made by the Act should have effect only in respect of proceedings arising out of suits instituted after 1st July 1938.

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arising out of any suit instituted before 1st July 1939. This clause was omitted on the recommendation of the Select Committee appointed by the Legislative Council to consider that Bill. That Bill became law in 1940 as Act IV of 1940.

It was expected that the amendments to the Code of Civil Procedure would apply irrespective of the date of the filing of the suit from which the proceedings arose.

Representations have been made by the Kolar Gold Field Mining Board as well as by the labourers in that area that the spirit of the amendments and the undoubted intentions of the Government have not been effectively secured. It has been held that the alterations made by the Act of 1940 are in respect of the provisions of section 60 which had already been amended by the Act of 1938, and that section 3 of the latter Act precludes relief from being given in respect of proceedings arising out of suits instituted prior to 1st July 1938.

The High Court has observed on a revision petition that, "until the restriction imposed in 1938 by Act XIII is removed by legislation, courts will have to permit attachment of salaries even when they do not exceed Rs. 50 so long as it (the suit) is prior to July 1938."

The omission of section 3 of Act XIII of 1938 has therefore become necessary if relief is to be given according to the undoubted and expressed intentions of the Government and of the Legislature.

As the matter was urgent, an Emergency Act was passed in August this year. The present Bill is intended to make this amendment permanent.

Act No III of 1942

An Act ~~A Bill to Amend~~ the Code of Civil Procedure (Amendment) Act, ~~1938 (XIII of 1938).~~ 1942

(Received the assent of His Highness the Maharaja on the 6th day of January 1942.)

WHEREAS it is expedient to amend the Code of Civil Procedure (amendment) Act, 1938 (XIII of 1938) for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title

1. This Act may be called an Act to amend the Code of Civil Procedure (amendment) Act, 1938.

Omission of section 3, Act XIII of 1938.

2. Section 3 of the Code of Civil Procedure (amendment) Act, 1938, shall be omitted.

Repeal.

3. The Emergency Act to amend the Code of Civil Procedure (amendment) Act, 1938, is hereby repealed.

~~Printed by the Superintendent at the Government Press, Bangalore.~~

(Sd) N. Madhava Rau
Dewan

G. R. S. VI.—S-III/14]

DRAFT.

SUBJECT.....

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Section. Legis
File No. 29-34-41
Serial No. 1

Proceedings of the Government of H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,
( )
, the.....*191* .

Order No...R.L.313...

Ordered that the accompanying...Act to amend the Code of civil procedure (Amendment) Act 1938.....

which received the assent of His Highness the Maharaja, on the...6th.....

Date of issue..... .....

day of.....January.....1942,

Signed by.....

be published as ~~Regulation~~ Act No...III.....

of 1942, in the *Mysore Gazette* for general information.

BKR 27.1.42 — *Secretary to Government.*
27.1.42
Law Department

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

Spare copies as per standing orders

Section 60 of the Civil Procedure Code before amendment.

Property liable to attachment and sale in execution of decree.

60. (1) The following property is liable to attachment and sale in execution of a decree, namely, lands, houses, or other buildings, goods, money, bank-notes, cheques, bills of exchange, hundis, promissory notes, Government securities, bonds or other securities, bonds or other securities for money, debts, shares in a corporation and, save as hereinafter mentioned, all other saleable property, moveable or immoveable, belonging to the judgment-debtor, or over which, or the profits of which, he has a disposing power which he may exercise for his own benefit, whether the same be held in the name of the judgment-debtor or by another person in trust for him or on his behalf.

Provided that the following particulars shall not be liable to such attachment or sale, namely:-

(a) the necessary wearing-apparel, cooking vessels, beds and bedding of the judgment-debtor, his wife and children, and such personal ornaments as, in

Section 60 of the Civil Procedure Code after amendment.

No Change.

in accordance with religious usage, cannot be parted with by any woman;

(b) tools of artizans, and, where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle and seed-grain as may, in the opinion of the Court, be necessary to enable him to earn his livelihood as such and such portion of agricultural produce or of any class of agricultural produce as may have been declared to be free from liability under the provisions of the next following section;

(c) houses and other buildings with the materials and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to an agriculturist and occupied by him;

(d) books of account;

(e) a mere right to sue for damages;

(f) any right of personal service;

(g) stipends and gratuities allowed to pensioners of the Government, or payable out of any service family pension fund notified in the official Gazette by Government in this behalf, and political pensions;

No Change

(h) allowances (being less than salary) of any public officer, or of any servant of a Railway Company or local authority while absent from duty;

(h) the wages of labourers and domestic servants whether payable in money or in kind;

New Section added by Act IV of 1940

(h) (a) wages and salary of all employees other than labourers and domestic servants to the extent of the ~~1st Rs.50/-~~ first fifty Rupees and one half the remainder of such salary,;

(i) the salary or allowances equal to salary of any such public officer or servant as is referred to in clause (h) while on duty to the extent of--

(1) the whole of the salary, where the salary does not exceed twenty rupees monthly;

(2) twenty rupees monthly, where the salary exceeds twenty rupees and does not exceed forty rupees monthly; and

3) one moiety of the salary in any other case;

(i) the salary of any public officer or of any servant of a Railway Company or local authority to the extent of the ~~1st 50 rupees~~ first fifty Rupees and one half the remainder of such salary.

Provided that where the whole or any part of the portion of wages and salary liable to attachment under clauses (h)(a) and (i) has been under attachment, whether continuously or intermittently for a total period of 24 months, such portion shall be exempt from attachment until the expiry of a further period of twelve months and where such attachment has been made in execution of one and the same decree shall be finally exempt from attachment in execution of that decree;

(j) the pay and allowances of persons to whom the Indian articles of war apply and of those belonging to the Mysore Military Forces;

(j) No change.

(k) the wages of labourers and domestic servants whether payable in money or in kind;

(k) any allowance forming part of the emoluments of any public officer or of any servant of a Railway Company or local authority which the Government may by notification in the official gazette declared to be exempt from attachment and any subsistence grant or allowance made to any such officer or servant while under suspension.

(l) an expectancy of succession by survivorship or other merely contingent or possible right or interest;

(m) a right to future maintenance;

(n) any allowance declared by law passed by the Government of Mysore; to be exempt from liability to attachment or sale in execution of a decree;

No Change

(o) the arms, horse, clothes, equipments, regimental accoutrements and necessaries of the members of the Mysore Military Forces,

(p) Where the decree relates to a debt due or contracted by an officer who has insured his life under the rules in force relating to the official branch of the Mysore State Life Insurance;

(1) in the case of insurances effected prior to the date of the passing of this regulation, the whole of the bonus payable or paid thereunder to the officer, or in the event of his death to his nominee or other person or persons entitled to such bonus under the said rules,

No Change

(2) in other cases, where an officer is bound to insure his life under the aforesaid rules, then the bonus in respect of the compulsory premia payable to such officer or in the event of his death to his nominee or other person or persons entitled to such bonus under the said rules.

(q) any amount payable by the Military Department to the members of the Mysore Military Forces out of a Retiring Fund;

(r) all inam lands granted to religious and charitable institutions and for the maintenance of persons rendering sergice therein; and

*Annuity payments made under the Scheme of Annuities

sanctioned by the Government, to the extent of--

(1) The whole, where the annuity does not exceed Rs.1,200/- per annum;

(2) Rs.1,200 per annum, where the annuity exceeds this amount.

Explanation:-The particulars mentioned in clauses (g), (h),(i),(j), (k), (n), and (q) are exempt from attachment or sale whether before or after they are actually payable.

(2)

Act 1940

(2) Nothing in this section shall be deemed---

(a) to exempt houses and other buildings (with the materials and the sites thereof and the lands immediately

No Change

Explanation 1. The particulars mentioned in clauses (g), (ha), (i), (j), (k),(n) and (q) are exempt from attachment or sale whether before or after they are actually payable.

Explanation 2. in clauses (ha) and (i)"wages and salary" mean the total emoluments calculated on a monthly basis, excluding (i) deductions declared by Government by notification in the official Gazette to be exempt from attachment, and (ii)any allowance declared exempt from attachment under the provisions of clause (k), derived by a person from his employment whether on duty or on leave.

No change

appurtenant thereto and necessary for their enjoyment) from attachment or sale in execution of decrees for rent of any such house, building, site or land, or in execution of decrees for enforcing a mortgage or charge in respect of such house, building, site orland, or

No change.

(b) to effect the provisions of the Army Act, or of any similar law for the time being in force.